DOES IT MATTER IF BUSH BROKE THE LAW?

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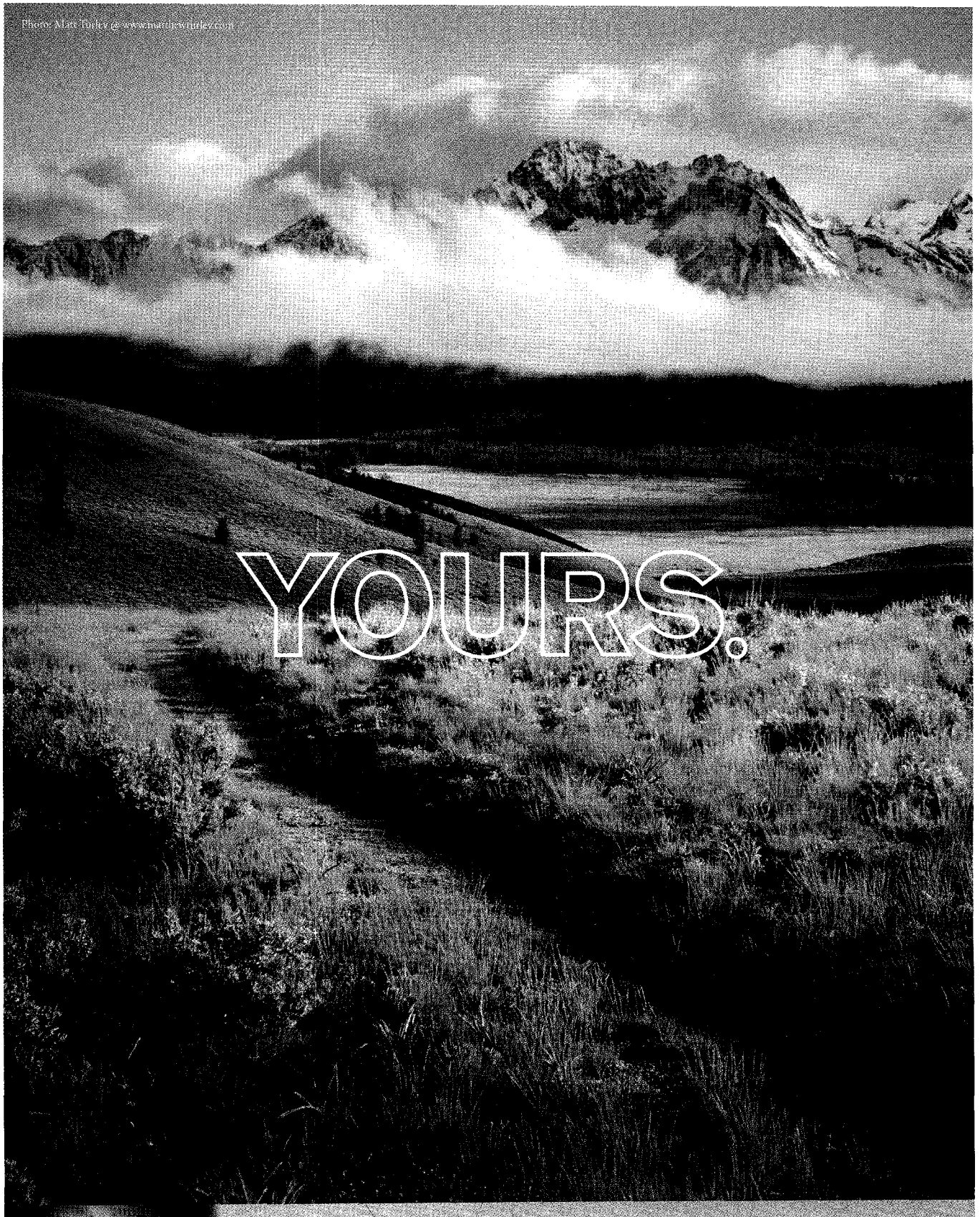

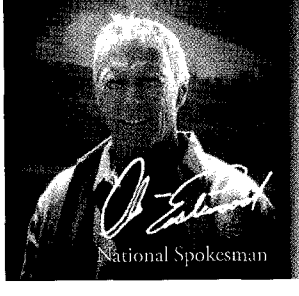

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CORRESPONDENCE

BORDER PATROL

JOHN B. JUDIS DOES A GOOD JOB identifying some of the problems posed by immigration, but he misses the key part of any solution ("Border War," January 16). It is true that many sectors of our economy need plenty of immigrant workers, and it is also true that many Americans are—rightly, in my view—concerned about immigrants who are not assimilating. The only way we can address both is by paying more attention to assimilation. Judis treats assimilation as something that cannot be addressed by public policy, but this is not true. Some studies show that English-immersion programs, for instance, do a better job of teaching English than native-language instruction (also known as bilingual education); bilingual ballots send the message that mastering English is unnecessary for citizenship; racial and ethnic preferences balkanize, as do identity politics and politically correct curricula in our schools; finally, the naturalization process, as well as K–12 instruction, should be intelligently but unabashedly pro-American.

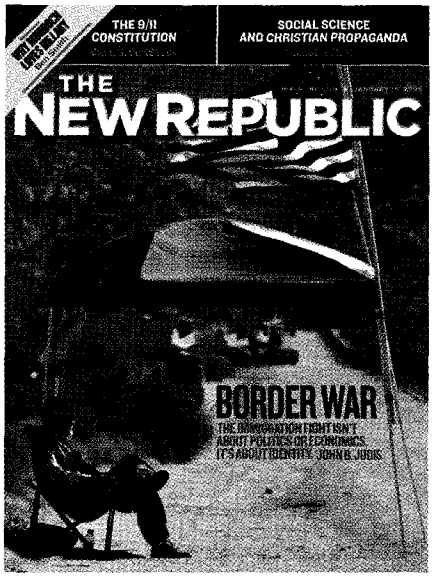
ROGER CLEGG
President
Center for Equal Opportunity
Sterling, Virginia

CLEARLY, JUDIS HAS NEVER LIVED IN the Southwest. Although he talks about how people are "obsessed" with illegal immigration, it is not enough to say that their reaction is cultural or about identity. The issues are about national sovereignty and public consent. The public has never consented to opening our borders to millions of illegal immigrants. What's more, the beneficiaries of cheap labor pay a small fraction of the total cost, and it is no accident that medical costs are soaring, as the country supports illegals and their large families.

J.C. PHILLIPS
Summit, New Jersey

WATCH DOG

FRANKLIN FOER'S THOUGHTS ON criticism of the mainstream media (MSM) are disturbing ("Bad News," December 26, 2005–January 9, 2006). While I don't agree with all the attacks on the MSM, it is troubling when members like Foer pretend the MSM is some disinterested institution that is, if anything, too soft on Bush. It wasn't Bush who ended the era of consensus between the press and political elites; rather, it was a news media that came to be overwhelmingly peopled by those with liberal political stances (every self-reporting survey confirms this). They have practically launched a war on Bush. One of many examples should suffice: The same issue of TNR also contained an excellent article outlining the potentially devastating split among Democrats over Iraq. Compare the sparse coverage this significant trend has received with the front-page, lead-of-the-broadcast treatment of Cindy Sheehan's demonstrations outside the Bush ranch.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BORDER WAR
THE IMMIGRATION FIGHT ISN'T ABOUT POLITICS OR ECONOMICS. IT'S ABOUT IDENTITY. JOHN B. JUDIS

NORM FRINK
Portland, Oregon

EX POST FACTO

AS A FORMER REPORTER, I WAS SURprised and disappointed that Ben Smith did not bother talking to me before making his statement that I was a "particular favorite" of Senator Hillary Clinton when I worked as a political reporter for the *New York Post* ("Post Election," January 16). I thought that talking to someone before writing about them was a basic starting point of journalism. If Smith had done so, I would have told him that my six years covering Clinton was based on firsthand observation. The reason I, and the *Post*, beat the competition on many stories about Clinton was hard work: I went to every public event and press conference she held, dialed into every conference call, attended the same hearings she attended, and watched her interactions with colleagues on the Senate floor. She won the admiration of the *Post*, as well as that of fellow senators and many New Yorkers, through hard work and attention to details. I reported what I saw—nothing more or less.

VINCENT MORRIS
Director of Communications
Mayor Anthony A. Williams
Washington, D.C.

BEN SMITH RESPONDS:
I spoke to Vincent Morris last summer about his success covering Clinton; he told me, "The two main reasons that I had some access to her is just the amount of time I devoted to it, and I also made the effort to go to all of her events." His coverage was straight, and I agree that his hard work is a big reason he broke a lot of Clinton news in the *Post*. But I doubt Clinton simply forgot, or overlooked, which newspaper he worked for.

OLD STORY

NATHAN GLAZER IS RIGHT TO wonder what all the fuss is about in Jerome Karabel's book on the exclusion of Jews from Harvard, Yale, and Princeton in the first half of the twentieth century ("Late Admissions," December 26, 2005–January 9, 2006). The same policy existed virtually everywhere except in France before the Vichy regime. Poland and Austria pioneered exclusion through physical violence, while Czarist

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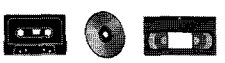

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Elevated Threat

TRB
FROM WASHINGTON

In 2002, Republicans ran on the war on terrorism. In 2004, they ran on the war on terrorism. And, last week, Karl Rove informed the country that, in 2006, they plan to run on ... the war on terrorism. It's the political equivalent of Groundhog Day.

Of course, every two years, the specifics change slightly. In 2002, the White House argued that, because Democrats wanted labor protections in the Homeland Security bill, they would leave the United States vulnerable to another September 11. In 2004, they argued that, because John Kerry was a serial flip-flopper with no backbone, he'd leave the United States vulnerable to another September 11. And, in 2006, according to Rove, they will argue that, because Democrats care too much about civil liberties, they'll leave the United States vulnerable to another September 11. As with any familiar recipe, you can add an ingredient here or there, but it tastes pretty much the same in the end.

The White House strategy is hardly surprising. National security has worked for them before, and, after Social Security, Katrina, and assorted scandals, they aren't exactly swamped with good alternatives. But there's a problem: Every two years, September 11 recedes further into the distance. In the late nineteenth century, Republicans won elections by reminding voters that Democrats had supported secession. In the mid-twentieth century, Democrats won elections by reminding voters that Republicans had presided over the Great Depression. But, after a while, times change, and old attacks lose their zing. You could almost detect a note of desperation in Dick Cheney's recent lament that, "as we get farther away from September 11, some in Washington are yielding to the temptation to downplay the ongoing threat to our country and to back away from the business at hand. This is perhaps a natural impulse, as time passes and alarms don't sound."

And the impulse extends far beyond Washington. A recent poll found that only 5 percent of Americans consider terrorism the most important issue facing the country—down from 19 percent on Election Day 2004. And, as the public focus on terrorism recedes, the balance between national security and civil liberties shifts. In the summer of 2002, according to a CNN survey, only 11 percent of Americans thought President Bush's war on terrorism had restricted civil liberties too much. Now, 38 percent say so—double the number that say he should restrict them more. In December 2001, 64 percent of Americans thought a wartime president should "have the authority to make changes in the rights usually guaranteed by the Constitution." This month, it was only 36 percent. Cheney, Rove, and the gang can defend their electronic-surveillance programs all they want. They can demand the full reauthorization of the Patriot Act until they're blue in the face. But it won't work unless Americans are more worried about terrorism than they are now.

So look for the White House to find ways of making the terrorist alarms sound, just as it did two years ago. In 2004, the Bush administration told Americans again and again that they were likely to be attacked—soon. In late May, then–Attorney General John Ashcroft called a press conference to suggest that Al Qaeda might launch a preelection attack in the United States, as it had in Spain. But the Homeland Security Department poured cold water on the idea, noting that there was no new intelligence to buttress his claim.

In early July, however, then–Homeland Security Secretary Tom Ridge picked up the thread himself, grabbing front-page headlines with his statement that "Al Qaeda is moving forward with its plans to carry out a large-scale attack in the United States in an effort to disrupt our democratic process." But, when *The New York Times* interviewed more than 20 U.S. and European counterterrorism officials about Ridge's suggestion, they mostly dismissed it—saying Al Qaeda would strike when it had the best chance of success, not according to the political calendar. "On a scale of one to a hundred," said a senior American intelligence official about Ridge's claim, "I'd give it about a two."

A *Washington Post* investigation also found little evidence of an election year plot. And Representative Jim Turner—who, as ranking Democrat on the Homeland Security Committee, received classified briefings on Al Qaeda—said that Ridge's statements "appear to have no basis." Nonetheless, other top Bush officials kept publicly speculating about a preelection attack. In early August, Ridge raised the terrorist threat level for key cities and industries. One week after the election, he lowered it again.

To be sure, no one without a top-secret security clearance can know exactly what information the Bush administration had. And, if politics came into play, at least some of it was the nonpartisan, CYA kind: Far better to warn of an attack that never comes than to remain silent and appear taken by surprise. Still, in 2005, the Bush administration's rhetoric became markedly less alarmist. When New York Mayor Michael Bloomberg announced that terrorists might be plotting an attack on New York's subways last October, administration officials actually downplayed the danger. There is no obvious reason the Al Qaeda threat should have been significantly smaller in 2005 than in 2004, and yet, judging from Bush administration rhetoric, you could easily have thought it was.

Which brings us back to Cheney's lament. Ironically, it is precisely the administration's failure to sound alarms in 2005 that contributed to the public's growing inattention to the terrorist threat. If the administration starts sounding them again—holding high-profile press conferences to announce vague new threats—the press will face a serious test. Will it aggressively investigate the possibility that the claims are more about politics than national security, even though such investigations will produce a vicious response from administration spokesmen? How courageously the press does its job could help determine whether the White House strategy succeeds yet again.

None of this is to suggest that the jihadist threat isn't real. The Bush administration *should* be worried about another attack. Dick Cheney may even be right that many Americans have succumbed to a false sense of security. But, if they have, it is at least partly because Cheney and his colleagues have degraded the very idea of a war on terrorism by so relentlessly using it as a partisan club. If America is at war, it's at war—not only in election years.

PETER BEINART

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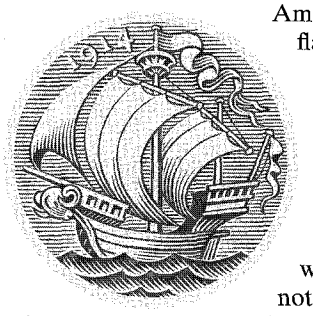
De Nada

JUST WHEN YOU thought the world couldn't get any more anti-American, it seems a whole other continent has suddenly lined up against us. While we turned our backs to focus on the Middle East, Latin America went and painted itself red. Last week, Evo Morales—an admirer of Fidel Castro, as well as a proponent of nationalizing industry and decriminalizing coca production—ascended to the Bolivian presidency. Most press accounts portray his election as part of a Latin American socialist revival. These stories point out that Morales's political mentor, Venezuelan President Hugo Chávez, may soon have other leftist allies implanted in Nicaragua, Peru, and Mexico.

Fortunately, the story line is a bit more complicated than this. Yes, leftist parties have run up an impressive string of election victories. But these disparate political movements are hardly as monolithic as portrayed in newspaper accounts—and U.S. policy ought to avoid the same analytic error. In truth, Latin American leaders are quietly battling one another for leadership of this supposed socialist revival. On one pole stands Chávez. While he claims to represent "socialism of the twenty-first century," he bows in the direction of the twentieth century variety, idolizing Fidel and Che. Chávez has distressingly little concern for the integrity of long-standing democratic institutions, such as courts or the press, not to mention private property. Above all else, he wants to push the continent into an adversarial relationship with the United States. "If it occurs to American imperialism, in its desperation, to invade Venezuela, a 100-years' war will begin," he likes to intone. On the other pole stand committed democrats like Brazilian President Luis Inácio Lula da Silva. While Lula might pose for pictures with Castro—a sop to his radical base—he practices a brand of socially conscious, fiscally responsible economics that bears more resemblance to Tony Blair's Third Way.

The United States can't reverse the hemispheric turn leftward. But the Bush administration can do a far better job of bucking up Lula's ilk and containing Chávez's radicalism. In part, this requires the United States to recalibrate its Latin American priorities. While neoliberal economics may be preferable to state-centric populism, America's only red line in the region should be democracy. And the United States should acknowledge reality: While open markets and fiscal discipline may be theoretically correct policies, their implementation by Latin American governments in the 1990s did little to prove their virtue; they were hampered by systemic corruption and provided hardly any salve to the continent's deep poverty. With suspicion of free markets now abounding, we should temporarily lower the Free Trade Area of the Americas several notches on our regional agenda. It has no chance of passing any time soon. And, in the meantime, we should offer to drop our agricultural subsidies, which provide potent evidence to those who claim that free trade is merely a guise for the imposition of U.S. economic interests on the region.



American liberals and conservatives both have other pet solutions to stem the continent's political drift. The right wants to lump Chávez in the "axis of evil" and challenge him more directly, pulling some moves (like creating an anti-Chávez broadcasting network) from our Cuban playbook. Liberals, on the other hand, like to urge the United States to send aid to the region, reprising John F. Kennedy's Alliance for Progress. But the best temporary response to this crisis may be the easiest: silence. Since the United States isn't about to confront Chávez seriously, it shouldn't give the impression that such a policy is in the works. Each time Chávez baits the United States into a verbal duel, his continental myth grows, encouraging others like Morales to follow his example. It lends credibility to his favorite story line: Chávez, the second coming of Simón Bolivar, battling the Americans, the second coming of Spanish colonialism. Even more than Castro, Chávez has proved to be a master at marketing himself to the Latin American masses, with his flamboyant persona and keen understanding of the news media.

Chávez hopes to bend the pragmatists to his more radical agenda. Preventing this fate won't be easy. But, while the region might not pose the same strategic risks as we face in the Middle East, we can't afford to squander its energy reserves or its cooperation in stamping out narco-trafficking. And, even more importantly, now that democracy is the basis for our foreign policy, we can't allow Latin America, one of the greatest democratic success stories of our time, to revert to the dark ways of its past. ■

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NOTEBOOK

HILL REPUBLICANS: FULLY INSURED . . . PRESIDENT BUSH: TO QUESTIONS, INURED

YOUR GOVERNMENT ON DRUGS

THIS WEEK, *THE WASHINGTON Post* detailed how congressional Republicans used a closed-door negotiating session to gut a proposal that would have saved the federal government some $22 billion over ten years. The savings, passed as part of the Senate's original budget reconciliation bill, were supposed to come from Medicare—specifically, from money the government pays to private insurance companies that offer benefits to seniors and other groups eligible for the program. Naturally, the health insurance industry didn't care for this proposal, which is why, presumably, Senate Finance Chairman Charles Grassley and House Ways and Means Chairman Bill Thomas (both of whom received large campaign contributions from insurers) agreed to take it out once the reconciliation bill reached conference committee.

But knowing who gained from this tawdry little deal is only half the story. The other half is knowing who lost. That, of course, would be the poor souls who need Medicare to meet their health care needs. Money spent on giveaways to private insurers is money not spent on other useful purposes—including, potentially, a more generous drug benefit for seniors. The handout to the insurance lobby is even more galling when you consider that private insurers are actually less cost-effective than the government when it comes to providing health insurance. They tend to have considerably higher administrative overhead, and they lack the government's bargaining leverage to bring down pharmaceutical prices. Don't forget, too, that it's arguably the central role of these private insurers in the new drug benefit that has made it such a mess to implement these past few weeks. So Bush and the Republicans really committed two separate sins. First, they diverted taxpayer dollars into the pockets of a corporate special interest. And, second, they did so in a way that has undermined a major domestic policy initiative. No wonder they wanted to keep this episode out of the public eye.

Charles Grassley

GREAT QUESTIONS OF OUR AGE

TWO WEEKS AGO, NOAM SCHEIBER chronicled Bush's new campaign to "adopt a more humble approach" to listening to others in order to foster a more open debate about Iraq and the war on terrorism ("Character Flaw," January 23). Rest assured, the White House claimed, the president has moved beyond stunts like October's heavily scripted—and widely mocked—satellite question-and-answer session with troops in Tikrit. With headlines like "BUSH TO TAKE UNSCRIPTED AUDIENCE QUESTIONS," and some commentators even dubbing Bush "Oprah in Chief," one might think he's taken more than a baby step in the right direction.

Well, let's see. Earlier this month, Bush gave a 74-minute talk in Louisville, Kentucky, about the war on terrorism, leaving a majority of the time for what were said to be "tough and challenging" questions from the audience. Of course, questions can only be so tough when tickets are privately distributed through business sponsors and the state Republican Party. Members of the audience spent most of the time thanking the president for preventing a terrorist attack in the United States since September 11, praising him for "having a will that will not be broken," and calling him "a very pragmatic problem-solver." One person even criticized the press for hurting "our national security and our troops' safety."

But perhaps this was just a warm-up. On Monday, the president participated in a similar event at Kansas State University, and, this time, many tickets were made publicly available to students. Still, Kansas is a very red state, and the predominantly Bush-friendly audience spent most of the question-and-answer hour telling the president how much they appreciate his "aggressive stance on terrorism," suggesting that people "stop questioning the administration and [its] decision" to go to war, and praising Bush's "character" and his ability to ignore his "critics."

Where were those truly tough questions we had been promised? Well, apparently Bush decided they were pretty hard to listen to—literally. When one student asked how the $12.7 billion cut from student loans was "supposed to help our futures," Bush claimed he was unable to hear the question. When the student repeated it, Bush quickly dissembled, telling her that the cuts were a "reform" intended to make "sure [the student loan process] works better." Better for whom, he didn't say.

And how does Bush do in a more intimate setting, where the acoustics pose fewer challenges? On New Year's Day, Bush visited the Brooke Army Medical

DAVID COWLES

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Center in San Antonio, Texas. After opening up the floor, military personnel started asking questions about NSA wiretapping, violations of privacy, and troop withdrawal from Iraq. Bush only allowed four questions, ending the entire event in eleven minutes. You see, Bush may finally be taking real questions from real people; it's just the answers that still ring false.

POT TO KETTLE

"SOME LEADING DEMOCRATS HAVE made wild and reckless and false charges against this president," Karl Rove complained at the annual winter meeting of the Republican National Committee this week. He continued: "Some [Senate Judiciary Committee] members came across, fortunately to a televised audience, as mean-spirited and small-minded, and it left a searing impression."

Mean-spirited and small-minded? Who does that remind us of? Could it be the political operative who, during his efforts to help Perry Hooper win a seat on the Alabama Supreme Court by a recount in 1994, reportedly directed campaign workers to, as one staffer described it, "undermine the other side's support by casting them as liars, cheaters, stealers, immoral—all of that"? Or the man who derided liberals for seeing "the savagery of the 9/11 attacks" as a chance to "offer therapy and understanding for our attackers" last summer? Or the man who, at businessman Teddy Forstmann's annual gathering in Aspen this fall, called Cindy Sheehan "a clown"? Nah, we're sure we must be thinking of someone else.

HOME NEWS

WE AT THE NEW REPUBLIC would like to congratulate contributor Michael Ignatieff on winning a seat in last week's Canadian parliamentary elections. Ignatieff is seen as a rising force in Canada's Liberal Party, and we wish him luck in his political career. ■

TNR commentary Excerpts from THE NEW REPUBLIC ONLINE

HOW THE INTERNET HURTS IRANIAN REFORMERS.

Net Loss

By Joseph Braude

Will the Internet save Iran from its theocratic rulers? Five million Iranians are online, and Persian is now the third most common language in the global village of blogs, according to Stanford researchers. *The Times* of London has dubbed Iran's feisty blogosphere, now over 100,000 strong, "a new species of protest that is entirely irrepressible" and that "may be the harbinger of revolution." *The Nation Online* claims "a fierce debate about the country's future [that] is underway in the blogosphere" and speculates that it "could help open up that society." Even an Iranian politician has spoken of the Internet's transformative power: Former Vice President Mohammad Ali Abtahi, a prolific blogger himself, told a British magazine last fall, "The net is influential and will bring more pressure for change. . . . [N]ow that young people consider themselves members of a worldwide movement, they have higher expectations."

In reality, the Internet may actually impede political change in Iran.

All this optimism cools international calls for urgent action to thwart Iran's nuclear armament by raising hopes of an imminent political transformation from within. But, in reality, the Internet may actually impede political change in Iran. It is well-known, for example, that Iranians consume massive amounts of Western entertainment—sports media, pop music, and other elements of global culture that the regime in Tehran bans from the public sphere. This injection of hours of high-speed fun into Iranian homes makes daily life under a theocracy less different from daily life anywhere else—and probably less difficult to tolerate. The truce between the reigning mullahs and their subjects may well have been fortified, rather than undermined, as a result.

SUDAN'S SETBACK WON'T HELP DARFUR.

False Hope

By Eric Reeves

The African Union (AU) made a noteworthy decision on January 24: For the first time in its brief history, the organization denied the AU chairmanship to the government hosting its annual summit—in this case, the genocidal Sudanese regime. It gave the nod instead to Congo Republic President Denis Sassou-Nguesso.

The United States praised this development effusively. "I think it is really great, because it affirms that the AU has standards and principles," said U.S. Assistant Secretary of State for African Affairs Jendayi Frazer. But the move hardly signals a new commitment to human rights by African leaders. Nguesso isn't exactly a model democrat (like the National Islamic Front, which dominates Sudan's government, he came to power via a coup). And the fact remains that Sudan should never have been the site of an AU summit. This in itself did far too much to legitimize the Khartoum regime.

Moreover, there may now be a temptation toward complacency: Having momentarily highlighted Khartoum's destructive conduct in Darfur, African leaders may conclude that a chastened National Islamic Front will settle down and stop the genocide. Unfortunately, it will take a lot more than modest diplomatic reprimands to stop Khartoum. The regime has recently been militarily active in West Darfur and may be on the verge of a war with neighboring Chad. That could leave hundreds of thousands of refugees and internally displaced persons, on both sides of the border, without access to humanitarian assistance.

It will take a lot more than modest diplomatic reprimands to stop Khartoum.

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* Eric Reeves is a professor of English Language and Literature at Smith College and has written extensively on Sudan.

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Sukhumi Dispatch

Wilted Rose

BY CHARLES A. KUPCHAN

As the helicopter crossed the Black Sea coast and began descending toward the airfield in Abkhazia, a breakaway region of Georgia, I could see the telltale aftermath of war through the window. Against the incongruous backdrop of lush vegetation and citrus groves were abandoned, burnt-out houses and farms, untouched since Georgians and ethnic Abkhaz fought for dominance of the region in 1992–1993. Since the end of the fighting, the conflict has remained frozen in place. Abkhazia has declared independence from Georgia, but Tbilisi remains intent on reasserting its control. Abkhaz officials and international diplomats alike fear that rising nationalist sentiment in Georgia may soon bring another round of bloodshed to the area.

The U.S. government and press insist that Georgian President Mikheil Saakashvili's ascent following the so-called Rose Revolution of 2003 represents a triumph of democracy. And, to be sure, the last two years have brought positive changes. Saakashvili has clamped down on petty corruption, overseen important reforms in law enforcement and education, refurbished roadways and public services, and improved public finances. Economic growth topped 6 percent in 2004, and the figures for 2005 should be even better. He has also boosted civic pride by raising Georgia's profile among American policymakers, earning Washington's adulation as he orchestrated a peaceful transition of power, sent troops to Iraq, and balanced Russian influence with closer ties to the United States.

But, in reality, the bloom is off the Rose Revolution. Saakashvili's accomplishments have been undercut by the excessive concentration of power in his own hands—what the intelligentsia calls the "Putinization" of Georgia. Saakashvili combines his lust for power with a blustery patriotism, a particularly troubling mix. He vows to restore Georgia's territorial unity by defeating separatist movements in South Ossetia as well as Abkhazia, and he has backed up the confrontational rhetoric with a major increase in military spending. Should fighting erupt in either region, it might well spread across the Russian border to the North Caucasus, where both Ossetians and Abkhaz have ethnic kin and where Moscow already has its hands full keeping the lid on a daunting number of flashpoints. The recent attacks on the gas pipeline from Russia to Georgia have left the area particularly jittery.

Despite the backsliding on political reform and the mounting dangers of war, the Bush administration continues to showcase Saakashvili as a model democrat. When President Bush visited Tbilisi last May, he pronounced Georgia a "beacon of liberty." The flowery rhetoric has been accompanied by generous allotments of economic and military assistance—on a per capita basis, Georgia is one of the world's leading recipients of U.S. aid—only enabling and encouraging Saakashvili's domineering ways. Washington, however, had better start reining him in before Georgia becomes yet another faltering democracy wracked by ethnic conflict. As in other countries in the midst of political transition—such as Russia, Ukraine, Afghanistan, Iraq, Lebanon, and Egypt—the Bush administration's freedom march has focused too much on democratic elections and not enough on what comes next.

Soon after taking power, Saakashvili rammed constitutional changes through the legislature that dramatically increased the authority of the presidency at the expense of other institutions. He began to misuse and overdraw a discretionary fund, flouting parliamentary oversight of the budget. His inner circle became tighter and more intolerant of dissent, triggering, according to one member of parliament, a "brain-drain" of "free-minded and professional people" from the government. Another member of parliament, David Zurabishvili, recently stepped down from a leadership position in the ruling party to join the opposition, motivated by his concern that Saakashvili is amassing too much power.

David Usupashvili, chairman of the opposition Republican Party, asserts, "We have nothing to be proud of in terms of building democracy. Going slowly is fine as long as we are moving in the right direction. But we are not just going slowly. We are moving in the wrong direction." Usupashvili insists that "it is principally impossible to preserve democratic rhetoric and authoritarian-style management for a long time. We have a democratic façade just to demonstrate it to the West."

Neither the courts nor the press are serving as effective checks on Saakashvili's power. Despite modest reforms, the judiciary remains corrupt. Hidden cameras recently caught over a dozen judges accepting bribes. Not infrequently, judicial authorities confer with government officials before ruling—lest they find themselves on the wrong side of Saakashvili's team. And, while Georgia has an independent press, many news outlets are owned by powerful oligarchs whose business interests are directly dependent upon the government's goodwill. It is no surprise that self-censorship is pervasive and impartial voices are hard to come by. "Pluralism is waning," according to a senior European diplomat.

The opposition in parliament is growing but has thus far been unable to curb the powers of the presidency. And, although Saakashvili's public support has ebbed somewhat, he

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remains popular, bolstered by his skill at tapping into the nationalist currents that run deep in Georgian politics. Indeed, it is Saakashvili's populist and patriotic drumbeating that makes his preference for illiberal democracy so worrisome.

SAAKASHVILI CAME TO office pledging that Georgia's territorial integrity would be a top priority. Three unruly regions—Ajara, South Ossetia, and Abkhazia—have made this goal a tall order, especially because Russia seeks influence by aiding and abetting separatist forces. Saakashvili started with Ajara, a region nestled in Georgia's southwest corner. During the first half of 2004, Tbilisi took on the area's strongman, Aslan Abashidze, by helping to orchestrate a popular movement against his rule and by holding out the prospect of military intervention. Abashidze capitulated in May 2004, fleeing the country and clearing the way for Saakashvili to assert his control.

Emboldened by his success in Ajara, Saakashvili focused on South Ossetia during the summer of 2004, seeking to shut down the smuggling rings vital to the breakaway region's economy. But, as Georgian security forces tried to close the area's main market, ethnic Ossetians rallied behind their de facto president, Eduard Kokoity. Fighting broke out along communal lines, killing at least 20 before an uneasy truce took hold. Intermittent negotiations have since made little progress toward resolving South Ossetia's political status.

Abkhazia is Saakashvili's greatest challenge—and the one most likely to trigger major bloodshed. South Ossetia has a weak hand; without Georgia, its only lifeline to the outside world is a single tunnel running through the Caucasus Mountains to Russia. In contrast, Abkhazia could survive on its own, prospering from its fertile soil, its Black Sea beaches, its port in Sukhumi, and its highway and rail connections to Russia.

For now, however, Abkhazia is a pariah statelet. The international community has joined Georgia in imposing a political and economic embargo. Getting to Abkhazia from Tbilisi entails hitching a ride with the United Nations, which regularly flies to Sukhumi to supply and staff its monitoring and humanitarian missions. I took a Ukrainian-piloted, Russian-built propeller plane to what had once been a sprawling Soviet air base outside Senaki, a town in Georgia's west. From there, a U.N. helicopter shuttled passengers and cargo out over the Black Sea for the trip north to Sukhumi.

The drive from the airstrip in Sukhumi to the center of town was a slow one, due to the cows, pigs, and horses loitering on the roadway. Downtown, resorts that were once the envy of the Soviet elite lay battered and vacant. Despite the warm sunshine, the boardwalk was devoid of tourists, populated instead by locals drinking Turkish coffee and playing backgammon. "We are closed in like spiders in a jar," complains Sergei Bagapsh, the president of Abkhazia. He insists that Abkhazia and Georgia, just like the Czech Republic and Slovakia, should be allowed to go their separate ways. In the meantime, the Abkhaz government struggles to bring its fictional sovereignty to life. Abkhaz and Russian authorities, for example, have offered residents Russian passports so that they can travel abroad—a move that has provoked considerable ire in Tbilisi.

Stanislav Lakoba, Abkhazia's national security adviser, says the region is well past the point of waiting for Tbilisi to warm up to the idea of federation. But he suggests that there may still be room for dialogue, adding, "Don't think that the people here are not prepared to compromise and talk."

Whether Lakoba has a willing partner in Tbilisi remains an open question. Irakli Alasania, Saakashvili's point man on Abkhazia, explains that "Georgia is changing its approach. We understand that isolating Abkhazia will only make matters worse and push them into the hands of the Russians." He went on to call Georgia's resort to force in 1992 "a big mistake," and he envisages a future in which Abkhazia remains "within the Georgian state, but with a vast amount of autonomy."

The problem is that Saakashvili himself takes a much harder line. On my way back to Tbilisi from Sukhumi, I was at the Senaki airfield when Saakashvili arrived for a visit. He inspected a new military unit stationed not far from the boundary with Abkhazia and later delivered a televised address to the nation, vowing to reunify the country and to "liberate" and "reclaim" Abkhazia, "our promised land." "We must spare no effort and mobilize all our internal resources," Saakashvili proclaimed. "We Georgian patriots, people who love their motherland, people who have a special sense of pride and dignity—we will certainly achieve our cherished goal."

Such rhetoric is especially disconcerting in the context of Saakashvili's heavy investment in Georgia's armed forces. In the words of one European diplomat, he has been on a military "shopping spree." In 2004, the defense budget shot up by roughly 40 percent, followed by another sharp increase in 2005. Recent purchases have included tanks and armored personnel carriers, enhancing the army's offensive capability.

THE BUSH ADMINISTRATION was right to stand by Saakashvili as the Rose Revolution unfolded and democratization advanced. Washington has lavished attention on Tbilisi, providing well over $100 million in assistance on an annual basis and helping to train and equip the Georgian army. The United States shelled out $64 million for an initial package of military assistance, and a follow-up program is now in place. The resulting improvements may help Georgia eventually qualify for a coveted slot in the NATO alliance. In gratitude for U.S. largesse, a main road leading from downtown Tbilisi to the airport has been renamed George W. Bush Street.

But it is time for the Bush administration to begin speaking truth to Saakashvili's unchecked power. Not only has unwavering U.S. support been viewed by Saakashvili as a blank check, but it also provides political cover for his less-

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than-democratic habits. As opposition leader Usupashvili observed, "The political elites are supported by Washington, and this helps to keep them in power and arrests democratization." U.S. influence in Tbilisi does have its limits, but Saakashvili is known to keep close tabs on U.S. policy and news media. Zurabishvili noted at the end of our meeting that "a bit more pressure from the United States and the American media would go a long way."

The Bush administration was wise to put democratization at the top of its global agenda. But surely it must see the project through, ensuring that liberal democracy takes root not just in form, but also in practice and spirit. Otherwise, stunted transitions may succeed only in stirring up the political and ideological pathologies that often lead to conflict. Unless liberalization prevails over centralization and compromise takes the place of nationalist pandering, Georgia could become yet another tinder box in the Caucasus. Saakashvili may lack the inclination, but he has the power and the political skills to put his country back on track. Washington urgently needs to nudge him in the right direction. ■

On the Hill

Newtered

BY LIZ MARLANTES

IN DEMOCRATIC CIRCLES these days, there is much talk of 1994—with good reason. The president's approval ratings are bad, Congress's are even worse, and, most importantly, scandal is sweeping the nation's capital. The atmosphere is poisonous enough that some Democrats believe it could produce the kind of electoral storm last seen twelve years ago, when Republicans retook Congress by railing against corruption in Washington. Of course, the 2006 Democrats differ in many ways from the 1994 Republicans. One key difference may well be the lack of Newt Gingrich—or, rather, a liberal version of him.

Gingrich's role in that election has been debated and, some would say, overstated. But, as a big-thinking, bomb-throwing type, he did something that many say Democrats sorely need at the moment: "He got Republicans excited and enthusiastic," says Philip Klinkner, a professor at Hamilton College who edited a book on the 1994 elections. "He unified and gave some direction to the party." He was also relentless in attacking the other side. "The biggest problem Democrats have is that people think everyone [is corrupt]," says one party strategist. "There has to be a constant effort to identify this as a Republican scandal." And, while the public may eventually determine that on its own—if, say, a wave of indictments emerges from the Abramoff case—Democrats could use a Gingrich-like leader to press their case.

THE NEWT ROLE is not an easy one for Democrats to cast, requiring, as it does, both ruthless political aggression and credibility in attacking Washington. Those criteria eliminate many prominent Democrats, particularly presidential hopefuls who don't want to risk showing such sharp elbows—not to mention taking responsibility for an effort that might not succeed. Current Democratic golden boy Barack Obama, for example, has opted to be the face of his party's reform efforts rather than its attack dog. Instead of vicious excoriations of Republicans, he has offered mostly nonpartisan platitudes, telling "Good Morning America" that "neither party has a monopoly on virtue."

The party does have a roster of sharpshooters, among them the campaign committee chairs, Representative Rahm Emanuel and Senator Chuck Schumer. But their ability to lead an ethical assault is limited by their responsibility to vulnerable Democratic incumbents. Gingrich was famously willing to sacrifice members of his own party for the greater cause of GOP victory, but, if Democratic members come under fire for connections to Jack Abramoff, it will be the responsibility of Emanuel and Schumer to protect them.

Another possibility would be Party Chairman Howard Dean—still a hero to many in the base and the blogosphere, and certainly not afraid to speak his mind. But, once he became a late-night punch line for his scream the night of the Iowa caucuses, his effectiveness as a messenger, even to moderate Democrats, became pretty limited. "He's been so thoroughly demonized, it's impossible for him to deliver a message beyond the base," says one consultant.

In the eyes of many on and off the Hill, House Minority Leader Nancy Pelosi has a similar problem. She's certainly not afraid to be partisan or employ tough tactics—"She is very aggressive," says one Pelosi ally. She has also been strikingly successful in enforcing party discipline in the House. But she hails from one of the most famously liberal districts in the nation. And many Democrats say she damaged herself within the party when she backed Representative Jack Murtha's call for troop withdrawal in Iraq—reinforcing the image that Democrats are weak on defense. "The timing wasn't good—it made things a lot more complicated," says a Democratic aide. Others suggest the real hindrance for Pelosi, like Dean, is less her ideology than her leadership style. "She needs to reassert that she's in control a lot," says one strategist with Hill ties.

That leaves Harry Reid. In some ways, the Nevada senator seems right for the part. He is a former boxer from a red state, with a blunt, Middle American manner—and an anti-abortion Mormon to boot. He also has a reputation for bare-knuckled politics. He has called President Bush a liar and a loser (he apologized for the latter), and, last fall, he scored a political coup when he forced a surprise closed session to highlight Republican foot-dragging in the investigation of the

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White House's use of prewar intelligence—gaining national attention and enthusiastic support from the party's base.

Still, Reid is constrained by his role as Senate minority leader. "Reid and [chief of staff Susan] McCue have all the power in the party, because they're the only ones left standing," says the strategist. "But it's hard for them to run against Washington, because they're also trying to get things done." At a recent Reid strategy meeting, says one participant, "we talked a lot about what Newt Gingrich did [in 1994]." One key point that emerged: Gingrich was perfectly willing to sacrifice his own in order to bring about change. And Reid is not. "Harry Reid's not looking to destroy the institution. He's not willing to blow it up to win."

Exhibit A came last week, when Reid's office issued a document attacking 33 Republican senators on everything from "Abramoff Connections" to miscellaneous sins like being "Out of Touch." On its own, the document was hardly remarkable—if it had come from the party's Senate campaign committee or the House, no one would have noticed. But the Senate still prides itself on being civil. It's actually against Senate rules to impugn the character of another member on the floor. Soon, Reid was getting angry phone calls from fellow members. "It was a declaration of war," says one Republican senator named in the document. Eventually, Reid apologized.

Reid also has image problems of his own. As Republicans have noted, he has accepted some $61,000 from Indian tribes that had affiliations with Abramoff. Reid has said he's never met Abramoff or taken money from him; yet he's been asked repeatedly by reporters if he will return the tribal money (he says no).

THAT UNDERSCORES A Democratic fear that their efforts to capitalize on the corruption theme could devolve into a tit-for-tat—with each side accusing the other of ethical impropriety and the public dismissing it all as a partisan spat. To some extent, the competing ethics proposals put forward last week only heighten this risk, since many of the practices targeted for reform have long been common among members of both parties. One Hill aide recalls that, as Democrats were finalizing their package, "that was the number-one fear: that we were setting ourselves up for gotchas."

Or charges of opportunism. A frequently overlooked piece of Gingrich's success was that he had been building up to it for years. "As soon as he came to Congress in 1979, he started going after Democrats on ethics," says Jack Pitney, a professor at Claremont McKenna College who has written extensively on Republicans in Congress. Gingrich waited for years before getting a perfect shot in 1994. Yet, even if they were presented with that kind of opportunity, it's not clear Democrats would be able to capitalize on it. "It's hard for Democrats to be Newt Gingrich. It's just not who we are," says pollster Mark Mellman. "One can bewail and bemoan that, but it's just a fact." ■

Pundit for hire.

Smoked Out

BY PAUL D. THACKER

IN HIS FINAL column of the year, *FoxNews.com* science columnist Steven Milloy listed "THE TOP 10 JUNK SCIENCE CLAIMS OF 2005." For number nine, Milloy attacked the research of Michael Mann, a Penn State scientist who, in 1999, published research showing a dramatic rise in global temperatures during the twentieth century, after hundreds of years with little climate change. Calling Mann's science "dubious," Milloy praised Representative Joe Barton of Texas, whose calls for an investigation into Mann's methodology last June were cut short when the scientific community and members of Congress protested it as a witch hunt. Representative Sherwood Boehlert, the chairman of the House Committee on Science, wrote to Barton, "The only conceivable explanation for the investigation is to attempt to intimidate a prominent scientist and to have Congress put its thumbs on the scales of a scientific debate."

Another conceivable explanation for the investigation is that Barton, as chairman of the House Committee on Energy and Commerce, is swimming in donations from oil companies. But that probably didn't bother Milloy, because he receives his own sponsorship from ExxonMobil. As revealed in *Mother Jones* last spring, between 2000 and 2003, ExxonMobil donated $90,000 to two nonprofits Milloy operates out of his house in Potomac, Maryland. Milloy's defense of Barton—and excoriation of Mann—is typical of his corporate-subsidized science reporting, in which he has attacked not only global warming, but also secondhand smoke studies and clean air regulations.

Over the past year, there have been several instances of political columnists shilling for the Bush administration. In January 2005, Tribune Media Services booted Armstrong Williams after discovering he had taken a government contract to write columns favorable to Bush's No Child Left Behind Act. And, in December, Copley News Service dropped Doug Bandow after discovering that he was taking money from Jack Abramoff to write columns favorable to the Republican lobbyist's clients. But the trend in paid-for-punditry seems to have spread to the world of science journalism as well. Earlier this month, *BusinessWeek Online* reported that, in 1999, Scripps Howard columnist Michael Fumento received $60,000 from Monsanto, one of the biotech companies he later covered in his columns, to help pay his salary at the Hudson

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Institute and to cover some of the overhead of his book *BioEvolution*. Fumento had not disclosed the Monsanto money to Scripps Howard.

But, whereas Scripps Howard fired Fumento and apologized to its readers, Fox News continues to look the other way as Milloy accepts corporate handouts. And it's not just the ExxonMobil money. Milloy has a long history of taking payment from industries that have a stake in the science stories he writes. The ethical standards are clear. "Not disclosing this is wrong," says Tom Rosenstiel, the director of the Project for Excellence in Journalism. The real question, then, is why Fox News continues to employ Milloy. Or, in the words of James Hansen, a climate scientist and the head of NASA's Goddard Institute for Space Studies, "The question is, 'Why does a major news organization employ such a hack?' "

MILLOY HAS BEEN affiliated with *FoxNews.com* since July 2000. On March 9, 2001, he wrote a column for the website headlined "SECONDHAND SMOKESCREEN." The piece attacked a study by researcher Stephen Hecht, who found that women living with smokers had higher levels of chemicals associated with risk of lung cancer. "If spin were science, Hecht would win a Nobel Prize," Milloy wrote. For good measure, he heaped scorn on a 1993 Environmental Protection Agency report that also linked health risks and secondhand smoke. Later that spring, he authored another smoking-related piece for *FoxNews.com*. In that one, he cast aside two decades of research on the dangers of exposure to secondhand smoke and concluded, "Secondhand smoke is annoying to many nonsmokers. That is the essence of the controversy and where the debate should lie—the rights of smokers to smoke in public places versus the rights of nonsmokers to be free of tobacco smoke." You might chalk it up to Milloy's contrarian nature. Or to his libertarian tendencies. Except, all the while, he was on the payroll of big tobacco. According to Lisa Gonzalez, manager of external communications for Altria, the parent company of Philip Morris, Milloy was under contract there through the end of last year. "In 2000 and 2001, some of the work he did was to monitor studies, and then we would distribute this information within to our different companies," Gonzalez said. Although she couldn't comment on fees paid to Milloy, a January 2001 Philip Morris budget report lists Milloy as a consultant and shows that he was budgeted for $92,500 in fees and expenses in both 2000 and 2001. Asked about Milloy's tobacco ties, Paul Schur, director of media relations for Fox News, said, "Fox News is unaware of Milloy's connection with Philip Morris. Any affiliation he had should have been disclosed." Milloy could not be reached for comment.

Yet it's all in the public record. The University of California at San Francisco maintains a database of seven million tobacco industry documents made public as part of the 1998 settlement between tobacco companies and state attorneys general. According to those documents, Milloy's relationship to big tobacco goes back at least to March 1997, when he took over as executive director of The Advancement of Sound Science Coalition (TASSC), a front group established in 1993 by Philip Morris and p.r. firm APCO Associates "to expand and assist Philip Morris in its efforts with issues in targeted states." (Fumento was on the organization's advisory board.) Under Milloy, TASSC sought to debunk a range of scientific theories that ran counter to the conservative viewpoint, from the dangers of breast implants to the need for stricter clean air standards. Philip Morris remained heavily invested in these efforts. A 1997 Philip Morris budget report includes a line item granting TASSC $200,000. As executive director, Milloy also reached out to other allies within the industry. For instance, in September 1997, he sent a letter to Brown & Williamson Tobacco Corporation soliciting $50,000: "The grant will be used to further TASSC's efforts to educate the public, media and policymakers on priorities in public health," he wrote.

The Advancement of Sound Science Coalition is now defunct. But one of Milloy's nonprofits has the same acronym and a remarkably similar name: The Advancement of Sound Science Center. His Free Enterprise Action Institute also has tobacco links, with Thomas Borelli—a longtime Philip Morris executive—serving as its secretary.

IT HAS BECOME increasingly hard to defend tobacco or attack smoking studies, which is probably why Milloy's more recent targets have included climate scientists like Mann. "Tobacco has lost most of these battles, but there is still opportunity to spread doubt about global warming," says David Michaels, the chair of the Project on Scientific Knowledge and Public Policy at George Washington University. Corporations with a stake in the global warming debate have been distributing their funds accordingly: Of the $3,056,783 raised in 2003 by the libertarian think tank Competitive Enterprise Institute (where Milloy is an unpaid adjunct analyst), $465,000 came from ExxonMobil. Milloy and Borelli's latest enterprise is a mutual fund that seeks to counter pressure from environmental activists promoting corporate social responsibility.

Fox News can't be expected to dig through the tobacco legacy documents every time one of its columnists writes about smoking issues. But, as far as Milloy, Fox News should be judged the same way tobacco companies were during their trials: What did they know, and when did they know it? Fox News has certainly known since last spring that money from ExxonMobil was going to Milloy's home-based charities. Perhaps the real reason the news organization tolerates Milloy is that his pro-industry, anti-environmentalist views dovetail nicely with those of its political commentators. Still, this misses an important distinction. Objective viewers long ago realized that Fox News has a political agenda. But, when a pundit promotes this agenda while on the take from corporations that benefit from it, then Fox News has gone one disturbing step further. ■

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What if wiretapping works?

Wire Trap

BY RICHARD A. POSNER

THE REVELATION BY *The New York Times* that the National Security Agency (NSA) is conducting a secret program of electronic surveillance outside the framework of the Foreign Intelligence Surveillance Act (FISA) has sparked a hot debate in the press and in the blogosphere. But there is something odd about the debate: It is aridly legal. Civil libertarians contend that the program is illegal, even unconstitutional; some want President Bush impeached for breaking the law. The administration and its defenders have responded that the program is perfectly legal; if it does violate FISA (the administration denies that it does), then, to that extent, the law is unconstitutional. This legal debate is complex, even esoteric. But, apart from a handful of not very impressive anecdotes (did the NSA program really prevent the Brooklyn Bridge from being destroyed by *blowtorches*?), there has been little discussion of the program's concrete value as a counterterrorism measure or of the inroads it has or has not made on liberty or privacy.

Not only are these questions more important to most people than the legal questions; they are fundamental to those questions. Lawyers who are busily debating legality without first trying to assess the consequences of the program have put the cart before the horse. Law in the United States is not a Platonic abstraction but a flexible tool of social policy. In analyzing all but the simplest legal questions, one is well advised to begin by asking what social policies are at stake. Suppose the NSA program is vital to the nation's defense, and its impingements on civil liberties are slight. That would not prove the program's legality, because not every good thing is legal; law and policy are not perfectly aligned. But a conviction that the program had great merit would shape and hone the legal inquiry. We would search harder for grounds to affirm its legality, and, if our search were to fail, at least we would know how to change the law—or how to change the program to make it comply with the law—without destroying its effectiveness. Similarly, if the program's contribution to national security were negligible—as we learn, also from the *Times*, that some FBI personnel are indiscreetly whispering—and it is undermining our civil liberties, this would push the legal analysis in the opposite direction.

Ronald Dworkin, the distinguished legal philosopher and constitutional theorist, wrote in *The New York Review of Books* in the aftermath of the September 11 attacks that "we cannot allow our Constitution and our shared sense of decency to become a suicide pact." He would doubtless have said the same thing about FISA. If you approach legal issues in that spirit rather than in the spirit of *ruat caelum fiat iusticia* (let the heavens fall so long as justice is done), you will want to know how close to suicide a particular legal interpretation will bring you before you decide whether to embrace it. The legal critics of the surveillance program have not done this, and the defenders have for the most part been content to play on the critics' turf.

WASHINGTON, D.C., WHICH happens to be the home of THE NEW REPUBLIC, could be destroyed by an atomic bomb the size of a suitcase. Portions of the city could be rendered uninhabitable, perhaps for decades, merely by the explosion of a conventional bomb that had been coated with radioactive material. The smallpox virus—bioengineered to make it even more toxic and the vaccine against it ineffectual, then aerosolized and sprayed in a major airport—could kill millions of people. Our terrorist enemies have the will to do such things. They may soon have the means as well. Access to weapons of mass destruction is becoming ever easier. With the September 11 attacks now more than four years in the past, forgetfulness and complacency are the order of the day. Are we safer today, or do we just feel safer? The terrorist leaders, scattered by our invasion of Afghanistan and by our stepped-up efforts at counterterrorism (including the NSA program), may even now be regrouping and preparing an attack that will produce destruction on a scale to dwarf September 11. Osama bin Laden's latest audiotape claims that Al Qaeda is planning new attacks on the United States.

The next terrorist attack (if there is one) will likely be mounted, as the last one was, from within the United States but orchestrated by leaders safely ensconced abroad. So suppose the NSA learns the phone number of a suspected terrorist in a foreign country. If the NSA just wants to listen to his calls to others abroad, FISA doesn't require a warrant. But it does if either (A) one party to the call is in the United States and the interception takes place here or (B) the party on the U.S. side of the conversation is a "U.S person"—primarily either a citizen or a permanent resident. If both parties are in the United States, *no* warrant can be issued; interception is prohibited. The problem with FISA is that, in order to get a warrant, the government must have grounds to believe the "U.S. person" it wishes to monitor is a foreign spy or a terrorist. Even if a person is here on a student or tourist visa, or on no visa, the government can't get a warrant to find out whether he is a terrorist; it must already have a reason to believe he is one.

As far as an outsider can tell, the NSA program is designed to fill these gaps by conducting warrantless interceptions of communications in which one party is in the United

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States (whether or not he is a "U.S. person") and the other party is abroad and suspected of being a terrorist. But there may be more to the program. Once a phone number in the United States was discovered to have been called by a terrorist suspect abroad, the NSA would probably want to conduct a computer search of all international calls to and from that local number for suspicious patterns or content. A computer search does not invade privacy or violate FISA, because a computer program is not a sentient being. But, if the program picked out a conversation that seemed likely to have intelligence value and an intelligence officer wanted to scrutinize it, he would come up against FISA's limitations. One can imagine an even broader surveillance program, in which *all* electronic communications were scanned by computers for suspicious messages that would then be scrutinized by an intelligence officer, but, again, he would be operating outside the framework created by FISA.

The benefits of such programs are easy to see. At worst, they might cause terrorists to abandon or greatly curtail their use of telephone, e-mail, and other means of communicating electronically with people in the United States. That would be a boon to us, because it is far more difficult for terrorist leaders to orchestrate an attack when communicating by courier. At best, our enemies might continue communicating electronically in the mistaken belief that, through use of code words or electronic encryption, they could thwart the NSA.

So the problem with FISA is that the surveillance it authorizes is unusable to discover who is a terrorist, as distinct from eavesdropping on known terrorists—yet the former is the more urgent task. Even to conduct FISA-compliant surveillance of non-U.S. persons, you have to know beforehand whether they are agents of a terrorist group, when what you really want to know is who those agents are.

FISA's limitations are borrowed from law enforcement. When crimes are committed, there are usually suspects, and electronic surveillance can be used to nail them. In counterterrorist intelligence, you don't know whom to suspect—you need surveillance to find out. The recent leaks from within the FBI, expressing skepticism about the NSA program, reflect the FBI's continuing inability to internalize intelligence values. Criminal investigations are narrowly focused and usually fruitful. Intelligence is a search for the needle in the haystack. FBI agents don't like being asked to chase down clues gleaned from the NSA's interceptions, because 99 out of 100 (maybe even a higher percentage) turn out to lead nowhere. The agents think there are better uses of their time. Maybe so. But maybe we simply don't have enough intelligence officers working on domestic threats.

I HAVE NO way of knowing how successful the NSA program has been or will be, though, in general, intelligence successes are underreported, while intelligence failures are fully reported. What seems clear is that FISA does not provide an adequate framework for counterterrorist intelligence. The statute was enacted in 1978, when apocalyptic terrorists scrambling to obtain weapons of mass destruction were not on the horizon. From a national security standpoint, the statute might as well have been enacted in 1878 to regulate the interception of telegrams. In the words of General Michael Hayden, director of NSA on September 11 and now the principal deputy director of national intelligence, the NSA program is designed to "detect and prevent," whereas "FISA was built for long-term coverage against known agents of an enemy power."

In the immediate aftermath of the September 11 attacks, Hayden, on his own initiative, expanded electronic surveillance by NSA without seeking FISA warrants. The United States had been invaded. There was fear of follow-up attacks by terrorists who might already be in the country. Hayden's initiative was within his military authority. But, if a provision of FISA that allows electronic surveillance without a warrant for up to 15 days following a declaration of war is taken literally (and I am not opining on whether it should or shouldn't be; I am not offering any legal opinions), Hayden was supposed to wait at least until September 14 to begin warrantless surveillance. That was the date on which Congress promulgated the Authorization for Use of Military Force, which the administration considers a declaration of war against Al Qaeda. Yet the need for such surveillance was at its most acute on September 11. And, if a war is raging inside the United States on the sixteenth day after an invasion begins and it is a matter of military necessity to continue warrantless interceptions of enemy communications with people in the United States, would anyone think the 15-day rule prohibitive?

We must not ignore the costs to liberty and privacy of intercepting phone calls and other electronic communications. No one wants strangers eavesdropping on his personal conversations. And wiretapping programs have been abused in the past. But, since the principal fear most people have of eavesdropping is what the government might do with the information, maybe we can have our cake and eat it, too: Permit surveillance intended to detect and prevent terrorist activity but flatly forbid the use of information gleaned by such surveillance for any purpose other than to protect national security. So, if the government discovered, in the course of surveillance, that an American was not a terrorist but was evading income tax, it could not use the discovery to prosecute him for tax evasion or sue him for back taxes. No such rule currently exists. But such a rule (if honored) would make more sense than requiring warrants for electronic surveillance.

Once you grant the legitimacy of surveillance aimed at detection rather than at gathering evidence of guilt, requiring a warrant to conduct it would be like requiring a warrant to ask people questions or to install surveillance cameras on city streets. Warrants are for situations where the police should not be allowed to do something (like search one's home) without particularized grounds for believing that there is illegal activity going on. That is too high a standard for surveillance designed to learn rather than to prove. ■

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Why Democrats love the military.

Magic Bullet

BY JASON ZENGERLE

IT WAS A cold night in December, and Patrick Murphy was standing in the back room of a downtown Philadelphia bar. As usual, he was telling war stories. It had been nearly two years since Murphy returned from Iraq, where he served as a JAG officer in the 82nd Airborne, but the memories of his time there were still fresh, and, as he mingled about the room, he shared them with many of those he met. He told of leading convoys through a section of Baghdad called "Ambush Alley" and of prosecuting cases before Iraq's Central Criminal Court. "When I was in Iraq," Murphy would almost invariably say at the outset of each new conversation—and then he would launch into another tale.

But, even though his stories grew repetitious, no one seemed to mind. Far from perceiving Murphy as a bore, his interlocutors listened to him with rapt attention. They were mostly young professionals, just off work from nearby law firms and corporate offices, and, in their world, Murphy was a unique figure and someone of considerable interest. "I don't think I know anybody who's fought in Iraq, except maybe my friend's brother," a twentysomething named Brian Gralnick, who works for the Pennsylvania Department of Aging, told me not long after Murphy had bent his ear. "Just to hear the perspective of someone who's actually been there and has that kind of credibility is extremely valuable."

So valuable, in fact, that he and the other people in the bar's back room were willing to pay for the privilege—with a suggested $50 contribution to Murphy's congressional campaign. Murphy is running in Pennsylvania's eighth district, which is made up almost entirely of Bucks County, home to some of Philadelphia's most affluent suburbs. Although Murphy is only 32 years old and has no prior political experience (save a brief stint as a volunteer for John Kerry in 2004), he is considered by many to be the frontrunner in the three-candidate Democratic primary; and, if he wins the primary in May, political handicappers believe Murphy would pose a legitimate challenge in November to the one-term Republican incumbent, Mike Fitzpatrick. With more than $260,000 in contributions—the event at the bar, which was hosted by Philadelphia's Young Democratic Networking Corps, netted about $5,000—Murphy is off to an impressive start for a challenger in that district.

Murphy is stumping on a familiar litany of Democratic campaign issues, from raising the minimum wage to supporting a woman's right to choose. But the centerpiece of his campaign is Iraq. "To win the war on terror," Murphy likes to say, "we need to get the hell out of Iraq." Specifically, he has called for the removal of all National Guard and Reserve units by the summer and the withdrawal of 50,000 additional troops by the year's end. And, for those who may disagree with his plan—including the Republican representative he hopes to unseat—Murphy's response is simple. He touts his personal experience. "Mike Fitzpatrick, no matter how many briefings he can sit in on in Washington, D.C., will never know what I know, and I know the truth," Murphy told me. "I've seen it with my own eyes. I walked it in my own combat boots."

Murphy isn't the only Democratic congressional candidate telling war stories these days. Eight other veterans of the Iraq war are running for the U.S. House of Representatives as Democrats (so far, only one Iraq war vet, Van Taylor, a challenger for Texas's 17th congressional district, is running as a Republican). And, while there are differences among these Democratic veteran candidates, like Murphy, they have all made their military service a central facet of their campaigns—and have relied on it to bolster their criticisms, which vary in intensity, of the war and the Bush administration in general.

This development has sparked considerable excitement among the Democratic faithful, who believe that the vet candidates are uniquely equipped to solve the perception that their party is not only weak on national security, but also that it is weak when it comes to battling Republicans on other issues. Dubbed the "Fighting Dems" or "Macho Democrats," the Iraq war vets—and more than 40 other Democratic candidates who are veterans of the Armed Forces—are routinely hailed on popular liberal blogs; they are featured on Air America radio shows; and, last month, the Band of Brothers 2006 PAC was formed with a goal of raising $3 million to support Democratic veterans running for office this year. "A macho Democrat," John Lapp, the executive director of the Democratic Congressional Campaign Committee, recently told *Newsweek*, "is someone who isn't afraid to stand up for what they believe in, to tell their story, to fight back when they're unfairly attacked."

The Fighting Dem phenomenon would seem to be a welcome development for a party that, for many years, was indifferent—or even hostile—to the military. But it's not the panacea some Democrats think it is. Just as Democrats were once wrong to demonize veterans, unfairly casting them as villains, today Democrats are making the mistake of fetishizing vets—unthinkingly treating them as superheroes. And, just as the former view harmed Democrats on national security issues, the latter may as well. Because new national security messengers—no matter how many miles they may have walked in combat boots—are no substitute for a strong national security message, which the party, alas, still lacks.

THE DEMOCRATS' PROBLEMS with the military go back, of course, to Vietnam, when the party became identified with the antiwar movement, which often took the form of being anti-GI. But

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the problems did not end with the war. Although Jimmy Carter himself had served in the Navy, his presidency only deepened Democrats' estrangement from the military. In 1977, Carter's inaugural address notably failed to mention the Armed Forces, which upset some veterans. Even more were upset when, the day after his inaugural, the new president offered an amnesty to all those Americans who had avoided service in Vietnam by failing to register for the draft or by fleeing to Canada. "Carter cut the military budget, he canceled the B-1 bomber," says Richard Kohn, a military historian at the University of North Carolina. "In many ways, great and small, he did things that were perceived as being hostile to the military."

At the same time that Democrats were alienating the military and veterans, Republicans were reaching out. In 1980, Ronald Reagan proclaimed that the U.S. effort in Vietnam "was, in truth, a noble cause"—a proclamation that was much appreciated by many veterans. In contrast to Carter, Reagan's inaugural address was a paean to the American soldier. And, a few months later, in a speech to sailors, he said, "I know there've been times when the military has been taken for granted. It won't happen under this administration." He boosted defense spending and gave soldiers a pay raise. "Under Reagan, the Republican Party made itself the pro-military, and, synonymously, the pro-soldier, party," says Andrew Bacevich, a professor of international relations at Boston University.

And, even when Democrats later tried to combat the perception that they were anti-veteran and anti-military—such as when Michael Dukakis, in 1988, took his infamous tank ride—they failed miserably. Similarly, Bill Clinton's hawkish pronouncements in the 1992 presidential campaign were undercut by the revelation that, in 1969, he had proclaimed himself to be among the "many fine people [who] have come to find themselves still loving their country but loathing the military." And, when Clinton, upon being elected, said he intended to repeal the ban on gays in the military, many veterans interpreted it as a hostile act. The widely circulated story that a female White House staffer had refused to exchange pleasantries with then–Lieutenant General Barry McCaffrey because she didn't "speak to people in uniform"—combined with the fact that so few people in Clinton's inner circle had themselves served—only deepened the notion that the Democratic Party was inherently hostile to the military.

Ironically, though, it was also under Clinton that the Democratic Party began to fetishize the military. Recognizing the political liabilities stemming from his efforts to avoid service in Vietnam, in his 1992 presidential campaign, Clinton took the unprecedented step of seeking—and receiving—the endorsement of some 20 retired military officers, including former Joint Chiefs Chairman Admiral William Crowe. The scale of the endorsements violated the long-standing norm that military leaders stay out of partisan politics. And, after his initial missteps with the military early in his first term, Clinton sought to make amends, caving on his demand for the military to admit gays, appointing McCaffrey drug czar, hailing the military for its affirmative action policies, and generally taking a more respectful—even a sometimes deferential—attitude toward the military. "I think he was so badly bruised by the gays in the military issue," says Kohn, "that he decided then and there that he wasn't going to fool with the military and even exercise his authority over it in many ways."

But the Democratic Party's fetishization of the military did not begin, in earnest, until the Iraq war. Much of it stemmed from a basic political calculation—that the party would have more credibility on the war if its leaders themselves had military experience. This sentiment was what led many Democrats to encourage the retired General Wesley Clark to run for president and, after Clark flamed out, to embrace John Kerry—primarily because of his own record of service in Vietnam. And Kerry, of course, carried the fetish to its extreme when he turned the 2004 Democratic National Convention into a militaristic extravaganza—cramming the stage with admirals and generals who had endorsed him, not to mention the men who had served with him on a swift boat in Vietnam. And, when Kerry gave his acceptance speech, he began it with a salute and the words, "I'm John Kerry, and I'm reporting for duty."

This fetishization of the military has influenced the Democrats' narrative of the Iraq war. "I think there was a segment of the Democratic Party and the Democratic constituency who really blamed military leaders for what happened in Vietnam, for lying about the body count and the Pentagon papers and things like that," says Chris Gelpi, a Duke University political scientist who studies civil-military relations. But, when it comes to criticizing the Iraq war, instead of blaming the military, Democrats have placed the blame squarely on the Bush administration. In fact, in the Democratic narrative of the war, the military is the hero. It was a military man, General Eric Shinseki, who told the truth when he said the United States would need several hundred thousand troops to provide security in postwar Iraq; it was a Pentagon civilian, Paul Wolfowitz, who lied and said the military was off the mark. That Wolfowitz and so many of the war's other intellectual architects had never served in the military themselves—that they were, as Democrats never tire of pointing out, "chicken hawks"—made this narrative particularly powerful.

As Republicans once did during the Reagan years, Democrats began to cast themselves as protectors of the military. In 2003, congressional Democrats accused the Bush administration of favoring tax cuts for the wealthy over a pay raise for the military; and, recently, Democrats have been attacking the Bush administration for not providing soldiers in Iraq with adequate body armor. "It is not only wrong, but it is inexcusable, as we near the third anniversary of the war in Iraq, that our troops still do not have all the body armor they need to keep them safer," House Minority Leader Nancy Pelosi said. But, where Republicans like Reagan always cast their defense of the mili-

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tary in terms of profound gratitude and respect, Democrats' calls for increased support for the military—while no doubt well-intentioned—sometimes leave the impression that they almost view the military as pitiable. As Kathy Roth-Douquet, a former Clinton aide and Marine wife who is the author of a forthcoming book about the upper-class absence from the military, puts it, "There is a contingent of Democrats whose version of being pro-military is, 'I appreciate what you do. I'd never do it myself. I'd never want my kids to do it. But thanks for your service, because you're probably being exploited, and you're a victim, and we really want to help you.' "

This notion that those in the military have been victimized is very much of a piece with the increasing tendency among some Democrats to view national security issues through the lens of identity politics. Just as some Democrats argue that oppressed minorities like blacks or Latinos have unimpeachable credibility about certain issues due to their identities, some Democrats now seem to think that veterans have similarly unimpeachable views about national security merely because of who they are. Indeed, many of the Fighting Dems' biggest boosters seem to believe that a politician's military service, or lack thereof, is the sine qua non of national security issues. "Too few Republicans have ever sacrificed for their nation, and their utter contempt for it shows," Markos Moulitsas recently wrote on his blog, *DailyKos*. "Democrats are already the party of veterans. The Fighting Dems are going to help make this point to a whole new generation of voters."

GIVEN THE PUBLIC mood on Iraq, criticizing the war may turn out to be a winning midterm election strategy—at least in some districts. And it probably can't hurt a candidate who has served in the military to bolster that criticism with references to his or her service. But the Fighting Dem strategy, and the Democratic fetishization of the military in general, does pose some potential problems.

First, despite all the swaggering rhetoric about Fighting Dems, there's no evidence that fighting in a war means someone will be a fighter in the political arena. Recent history is littered with a number of war heroes–turned–politicians whose fierceness in military combat did not carry over onto the political battlefield. John McCain did not have the stomach to get down and dirty with George W. Bush in the 2000 South Carolina Republican primary. John Kerry similarly failed to fight back against the Swift Boat Veterans for Truth. Indeed, in three out of the last four presidential elections, the candidate who saw combat in war (George H.W. Bush, Bob Dole, and Kerry) lost to an opponent (Clinton and George W. Bush) who had avoided it.

But the biggest danger posed by the Fighting Dems is the notion that their personal experience alone is a substitute for a strong national security agenda. Democrats seem to believe that, if they put Pelosi's words in a veteran's mouth, they will have formulated a winning national security message. As Democratic strategist Joe Trippi wrote last week, shortly after Howard Dean declared that the Iraq war was unwinnable, "Perhaps Dems should let Murtha and 'Iraq Vet' candidates like Paul Hackett and Patrick Murphy use their considerable credibility to make the anti-war case, while Howard Dean and others come up with some appealing vision for the future." But, if the message remains the same, it won't matter who's saying it.

Or it won't matter to people who, unlike most of the Fighting Dems' biggest boosters, know enough to view the military as the province not of superheroes but of mere mortals. Which is something Murphy found out when, the day after enthralling the young Democrats in downtown Philadelphia, he stopped by a steelworkers' union hall in Fairless Hills, Pennsylvania, a blue-collar town in lower Bucks County.

The son of a cop who grew up in a working-class Philadelphia neighborhood, Murphy is hardly uncomfortable in such environments. "None of my friends growing up went to college," he told me before he went into the union hall. "They're Teamsters now." And, when a steelworker offered Murphy his choice of a bottle of Yuengling or a can of Miller, he correctly chose the latter. As he sat drinking his beer, the steelworkers voiced their concerns about CAFTA and told stories of the Molly McGuires, the secret organization of Irish American coal miners who fought discrimination through violence. Finally, one of them asked Murphy how he planned to beat Fitzpatrick.

For Murphy, almost every issue he confronts in his campaign leads him back to Iraq. "People say to me, 'You're so young. You're just 32 years old,' and I say, 'Well, I think I'll actually bring a whole other set of experiences [to Congress],' " he told me earlier that day. "I'll be one of the leading experts on the war on terror, because I did deploy to help a Muslim population in Bosnia and also in Baghdad, Iraq." He and his campaign even try to connect issues that have nothing to do with national security to his military experience. As Daren Berringer, a Democratic consultant who has been serving as an unpaid adviser to Murphy's campaign, puts it, "If Patrick can go over to Iraq and perform his job as well as he did in that environment, then I'm pretty sure he can deal with issues of education and health care and making sure seniors have a real prescription-drug plan. That stuff is on paper."

And so, when a steelworker asked Murphy an open-ended question about how he planned to get to Congress, Murphy's answer wasn't surprising. "I know how to fight," he replied immediately. "I was in the 82nd Airborne. I was in Baghdad. I'm a fighter." He started to go on, perhaps to tell the story of running convoys or maybe to talk about the roadside bombs he had survived to see, but one of the steelworkers cut him off.

"This isn't Baghdad," the man told Murphy in an impatient tone. "This is a different thing. It doesn't matter if you know how to fight. What matters is you know how to be smart." ■

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BOOKS & THE ARTS

STANLEY KAUFFMANN ON FILMS

Conventions Upset

THE NEW FILM YEAR BEGAN in at least one heartening way: Daniel Auteuil arrived in a new picture. This French actor is so incredibly credible, so unostentatiously fine, that he makes his way from film to film without attracting the hoopla that attends more consciously virtuosic actors. I mention here only two of his many roles. In *The Widow of Saint-Pierre*, set on that French island, Auteuil was a nineteenth-century army captain whose spiritual tenor changes while he waits for the arrival of a guillotine to execute a murderer in his charge. In *Après Vous*, a farce set in modern Paris, he was a restaurant manager who saves a man from suicide and then is stuck with this troublesome person. Those roles are two extremes in his dossier: there are manifold shades in between.

CACHÉ (HIDDEN) (Sony Pictures Classics)

Juliette Binoche has had a career that is a bit less drastically varied but far from monochrome. In *The Widow of Saint-Pierre* she was Auteuil's wife, the chief instrument of his change. In the recent American *Bee Season*, a film otherwise well forgotten, she played a nutty French wife. Now she is again Auteuil's wife in their new picture **CACHÉ (HIDDEN)**. (The American distributors apparently wanted to send a French signal but felt that they had to explain it.)

Auteuil plays Georges, the host of a literary roundtable that is a fixture on French television. Binoche is Anne, an editor in book publishing. The very presence of these two actors renews an underappreciated pleasure. Films, despite all the trash that keeps barreling along, provide a chance to watch the evolution of acting talents. The obvious immediate examples are Jake Gyllenhaal and Heath Ledger, whose recent progress is fascinating. Often we hear plaints about the lack of repertory theater as a chance to see the development and range of actors. Of course films could not compensate for the lack of repertory—the succession of a film actor's roles is rarely planned. But to sit in a film theater and see Auteuil and Binoche come in, seasoned in our memories with the various human beings they have created, adding in every moment of their new roles to a treasury, is a benison.

Oddly enough, their presence in this picture turns out to be an anomaly. The writer-director of *Caché* was the German-born Michael Haneke, now in his sixties, who works in Germany, Austria, and France. His films concentrate on a unique blend of intelligence and violence. Most recently he made *The Piano Teacher*, based on a novel by Elfriede Jelinek (subsequently a Nobelist) that depicted the raging sexuality buried in a respectable woman. For *Caché*, Haneke has said that its starting point was "the desire to find a project for Daniel Auteuil, who had suggested a collaboration." This collaboration would clearly be more of an adventure for Auteuil, who was entering new territory, than for Haneke, who was, in effect, just continuing. Haneke also said, "At the same time I had been toying with the idea of writing a script in which someone is confronted with his guilt for something he did in his childhood." That theme is certainly the essence of the picture, but it takes some time to emerge.

The opening shot is of a house in a Paris street, the home of Georges and Anne, a shot in which nothing happens for what feels like more than a minute. Thus we know that this director is going to use time in his own way, not as it is usually calibrated. Later we learn that the opening isn't even a shot in the usual sense; it is a tape that someone has made.

Georges is soon aware that he is being watched, that his life is often being taped. He tells the police, and they inform him that they can't do anything about it until something happens—until Georges is assaulted, for instance. He must simply keep living under this mysterious surveillance.

In time Georges follows clues that come up, and eventually he traces them to an Algerian man of about his age, who once lived on Georges's family's estate when they were both boys. The Algerian's parents were lost in the police massacre of protesters on October 17, 1961, and Georges, who was jealous of the other boy, told lies about him so that his parents would send his "rival" away. Thus the other boy lost the advantages of living with this well-off family. Now the Algerian, who is the merest prole, has a grown son: this son is the person who makes the tapes—for his father, who has some sort of revenge in mind.

All these matters are elements of a thriller, but nothing could interest Haneke less. Indeed, he almost revels in the contrast between thriller stylistics and his style. His film moves slowly, almost studiously. For instance, at one point the agitated Georges in his bedroom phones downstairs to Anne, who is in the living room with guests, pleading with her to come up and talk with him. Haneke does absolutely nothing to cover the time lapse: Georges simply waits until Anne comes up. Haneke is telling us obliquely that Georges and his guilt are in a postmodern world—where conventions are suspect—and will not be shoved into film noir regularities.

So an oxymoronic texture prevails. Auteuil and Binoche—and all the other actors—give performances in a realistic mode, while the film through which they move is structured in an anticonventional way. There is no abrasion: this is not *The Cabinet of Dr. Caligari* with a "normal" cast. Haneke's characters live in the conventional world, but he assumes that they would understand our viewing them through an opposed postmodern temperament.

The climax of the story is horrible, shocking, and is handled quite casually. Afterward, Georges returns home, undresses, goes to bed, and dreams—remembers, really. His dream is of the cru-

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cial moment in the Algerian boy's life for which Georges was himself responsible. Haneke doesn't then return to the adult sleeping Georges after that last dream sequence. The closing titles ascend over it.

As with much art of our time—music, painting, sculpture, theater—*Caché* in a certain way affronts us. Its deliberate contravention of our expectations, and not necessarily stodgy expectations, is part of its intent. The familiar art of Auteuil and Binoche is part of Haneke's affront. Because of them, we expect something fresh but embraceable. But with their collaboration, almost their collusion, Haneke proceeds to upset us.

A trifle that insists on being noted. *Caché* takes place in summer, and through most of the picture Auteuil wears the same lightweight jacket. He is often seen from the rear, and that jacket is never pressed. In a small way those wrinkles are part of the picture's disguise—its deceptive nod to familiar realism. ■

JED PERL ON ART

Arrivederci MoMA

I.

THERE IS A PARADOX AT THE heart of any cultural institution. It is that the men and women who dedicate themselves to these essential enterprises exert a fiscal and administrative discipline that has nothing whatsoever to do with the discipline of art, which is a disciplined abandon. I imagine that for anybody who founds or sustains or rescues or re-invents a museum, an orchestra, or a dance company, this tension between the institution and the art comes to feel like a natural paradox. There is always a balancing act involved, which helps to explain why the very greatest institution-builders (Lincoln Kirstein comes to mind) invariably have something of the artist's temperament. And when we consider how rare such people are, we realize that there is nothing surprising about the fragility, the mediocrity, and the downright banality of so many cultural enterprises. If making art is hard, making an arts institution work may be harder still.

I believe it is important to recall the daunting nature of these challenges as we consider the deeply troubling state of the Museum of Modern Art a year after its re-opening. While the museum has failed to live up to the hopes of many of the New Yorkers who care most passionately about twentieth-century art, the defensiveness that one hears from both inside and outside the museum is nevertheless understandable, given the challenges that the museum now faces. The Modern, with its seventy-fifth birthday past, is entering that baffling stage when the visionary zeal and megalomaniacal energy of the founding generation is literally a lifetime away. Inevitably, the kind of institutional authority that was invented, almost out of whole cloth, by Alfred H. Barr Jr., the museum's founding director and its guiding spirit into the 1960s, has lost its dramatic aura, becoming somehow bland: at best a form of institutional prestige that enables good work to go on, at worst an institutional carapace behind which anybody can get away with anything. The MoMA watchers who believe that the glass is less than half full and the ones who believe that it is close to completely full are making their own judgments as to whether the institution's newfound fiscal and administrative discipline serves the disciplined abandon of art. And each view of the present state of the museum is related to some larger idea about what modern art was or might become, so that behind any conversation about the Museum of Modern Art there lurks a deeper conversation about the nature of institutions and, indeed, about the nature of art.

GLENN D. LOWRY, WHO HAS been the director of the museum since 1995, has never presented a searching account of the nature of an arts institution, much less the nature of art. Lowry's supporters will respond that a museum director is a man of action, not an intellectual, and they may even argue that the boilerplate speeches and statements that he has frequently made about cultural matters do in fact constitute a contribution to an ongoing debate. When Lowry speaks out, however, he speaks as a CEO, and his intention mainly seems to be to stifle a debate about the transformation of what was once a chaotically creative institution into a well-oiled business-model museum. Lowry has earned his position on all those most-powerful-men-in-the-art-world lists for only one reason: he has presided over a fund-raising miracle. In the years just before and just after September 11, with the city in recession, the Museum of Modern Art managed to raise some $850 million. They moved the museum to Queens. They built what amounts to a new building. They moved back to Manhattan. And as a tourist attraction the new MoMA is, we are told, a success.

Those are the hard facts. But the future of a great institution is not shaped by hard facts exclusively, and maybe not even primarily. The question that must be asked about the Modern is at what cost its new building and its stupendous endowment have been achieved. And you might say that the question contains the answer, for the problem with Lowry's MoMA is that the focus is on the health and well-being of the institution, rather than the quality of our understanding of Cézanne, Picasso, Matisse, Brancusi, Mondrian—or, for that matter, the quality of our understanding of contemporary art. If our knowledge of art had been foremost in Lowry's mind, surely he would not have presided over a rebuilding program that has, strangely enough, left the museum with only marginally more room for the display of its unparalleled collection of painting and sculpture from the first half of the twentieth century.

But then the artists and avid museumgoers who yearn to see more of the collection are not Lowry's constituency. Never before has this museum's attention been so insistently fixed on what are perceived to be the needs of the tourists and the trustees. One of the first exhibitions mounted at the Modern after the re-opening, "Contemporary Voices: Works from the UBS Art Collection," was a corporate put-up job—an elaborate thank-you to Donald B. Marron, an influential member of the museum's board of trustees. And last summer's big show, "Pioneering Modern Painting: Cézanne and Pissarro: 1865–1885," was the kind of blandly conceived, tourist-friendly blockbuster that you would ex-

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pect to see at Tate Modern or the Guggenheim, but never at the Museum of Modern Art.

ALTHOUGH THERE HAVE BEEN some bright spots at the Modern this fall—in the magnificent Redon show and in the re-installation of several galleries in the permanent collection—this is now a museum where art's mystery and magic are at best taken for granted, and at worst ignored. The new building, which I admired for its refined details and suavely balanced volumes in the weeks before the grand opening, when it was nearly empty of people, has pretty much proved to be a fiasco. The more people there are in Yoshio Taniguchi's spaces, the less poetic those spaces feel, which is just about the most devastating thing that you can say about a work of public architecture. The fault, though, is not Taniguchi's alone. Picasso's *Demoiselles d'Avignon*, Mondrian's *Broadway Boogie Woogie*, and Barnett Newman's *Vir Heroicus Sublimis*, those landmarks of twentieth-century art, look lost in the new museum, because they have been torn from the moral landscape that they inhabited, with its visionary fervor and its progressivist ideals. While the curators at the Modern would have us believe that they are currently engaged in the perfectly legitimate task of rethinking that landscape—of giving its modern perspectives a postmodern overhaul—Lowry has in fact turned the whole damn landscape into a mall in which Picasso, Matisse, and Mondrian are merely what happens to be available, as interchangeable as H&M, Target, and the Gap.

The Modern—with its departments devoted to film, photography, and architecture and design, as well as to painting and sculpture and prints and drawings—always offered one-stop aesthetic shopping, and in that sense the museum was always, as some have pointed out, playing a dangerous game. As long ago as 1949, Wallace Stevens complained in a letter of the museum's "professional modernism," and wondered, "Is all this really hard thinking, really high feeling or is it a lot of nobodies running after a few somebodies?" Barr helped the world accept modernity, and if the museum's "Good Design" shows of the early 1950s prefigure the low-priced elegance of IKEA, the Modern's pioneering "Fantastic Art, Dada, Surrealism" show of 1936 is somewhere in the prehistory of Jeff Koons's floating basketballs and porcelain Michael Jackson. To the bargain-conscious shopper who visits the Modern's design collection today, the museum may look like a spiffier version of IKEA, while the trustee who has just paid $1 million for a Koons is certainly going to want MoMA to endorse the investment. A museum that was alive to the challenge would want to confound the expectations of both the tourists and the trustees, but Lowry seems happy to give everybody what they expect. He must imagine that this is synergy. It is a synergy that denies out-of-town visitors to MoMA what they fervently desire, which is a museum that represents the heart and soul of artistic New York, or did once upon a time.

II.

GLENN LOWRY IS THE FIRST man to guide the Modern who is not, essentially, a visionary curator. While the museum has had a director whose chief focus is fiscal and administrative for the past fifty years, up until now the leadership structure was essentially bipartite, with the director in fact occupying a somewhat less central role than the chief curatorial figure, whether that was Alfred Barr or William Rubin or Kirk Varnedoe. This unique arrangement originated in the late 1940s and ended in 2001, when Varnedoe, who was in the later phases of a long and unsuccessful battle with cancer, resigned. It was Varnedoe's departure that ushered in the Age of Lowry. Without understanding this essential shift in the leadership of MoMA, it is impossible to grasp the absolutely changed nature of the museum—changes that many people found themselves talking about a few days ago, when Rubin, who retired in 1988, died at seventy-eight.

While the Modern has been, at least until recent years, something of an institutional madhouse, the events of the 1940s must still count as the strangest in the museum's tangled history. Barr, who had been founding director in 1929, was by the late 1930s viewed with suspicion by some of the trustees—who, while admiring him as a connoisseur and historian, felt that he neglected his administrative duties and sometimes pushed the museum's focus in dangerously idiosyncratic directions. In 1943 he was dismissed by Stephen C. Clark, the chairman of the board. The precipitating events were artistic, for Clark, whose taste ran to the Post-Impressionists, was enraged by what he saw as the willful eccentricity of some of Barr's infatuations, especially his decision to exhibit an elaborately decorated shoeshine stand by a New Yorker named Joe Milone, which the young sculptor Louise Nevelson had brought to Barr's attention and which he described as "like a lavish wedding cake, a baroque shrine or a super-juke box." Barr was given the post of advisory director, on the assumption that he would devote himself to writing, which some on the board felt was his strong suit.

But Barr refused to leave the museum. He retreated to a desk in the library, where colleagues sought his unofficial advice on museum matters of all kinds during the mid-1940s, a period when the museum, incredibly enough, did not have a director. Eventually the trustees had second thoughts about marginalizing Barr, and by 1950 a dual leadership had developed, with René d'Harnoncourt as director of the museum and Barr as director of museum collections. Although d'Harnoncourt was himself a commanding figure who had organized important exhibitions of Mexican and American Indian art, the moral and visionary center of the museum was at that point firmly in Barr's hands. And the defining figure at the museum remained a curator until Varnedoe's departure in 2001.

While Barr's and Rubin's and Varnedoe's influence extended well beyond their essential focus, which was painting and sculpture, they tended to accept the idea that the museum's departments were rival principalities, and this somewhat decentralized organization made it possible for John Szarkowski in the photography department and Arthur Drexler in architecture and design to develop their distinctive intellectual positions and their own ardent followings. (Szarkowski's own photographs are being seen this winter at the Modern in a retrospective that was organized at the San Francisco Museum of Modern Art.) Barr and Rubin (and, one imagines, Szarkowski and Drexler) took for granted a level of direct access to the trustees that would be virtually unheard-of in a museum with a more conventional managerial structure. That was true of Varnedoe as well. His supporters in the upper reaches of the museum, who were legion, embraced him as a curator who would reshape the museum in his own image, much as Barr and Rubin had done, although it was understood

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that Varnedoe represented not so much a celebration of high modern values as a critique of them.

When Glenn Lowry was appointed director in 1995, he was a largely unknown figure in New York, with a scholarly background in Islamic art. He was taking a problematic position, what was seen as an essentially second-string job, in which Lowry would forever play sidekick to Varnedoe, the golden boy with easygoing intellectual charisma and movie-star good looks. It is only in the past five years that Lowry has emerged as the uncontested leader of the Museum of Modern Art, as the first MoMA director who actually tells his most important curators what they will and will not do. There is some reason to believe that if Varnedoe had not become ill, he would still be the commanding figure at the museum; but Lowry, who is by all accounts a fiercely competitive and diabolically savvy man, would have probably been able to marginalize even Varnedoe. The accountants generally find a way to turn the golden boys into window dressing, and sooner or later Lowry was going to persuade the trustees that the Modern needed to go the way of all museums: toward a corporate-inspired operating model, with increasing emphasis on dramatic building schemes and a few high-profile, media-friendly purchases.

In many respects, Lowry suggests a suaver version of Thomas Krens, who in his years as director of the Guggenheim was the first leader of a major New York museum unashamedly to reject aesthetic concerns in favor of marketing concerns. Both Lowry and Krens began as outsiders, and both have the outsider's ability to kick aside the institutional traditions that stand in the way of their ascent. Since the Modern has always had a far clearer institutional identity and a far more stable base of support than the Guggenheim, Lowry has not had to indulge in the hucksterism that was eventually Krens's undoing. In both instances, though, the search for an authentic institutional identity, which must be an ongoing search, has been trumped by the hard-calculation business of solidifying a brand-name identity.

Of course, everybody has their own way of describing the heart and soul of a museum, and when an institution's history is as long and as complex as the Modern's, almost anything that the museum chooses to do now can be justified by referring to some aspect of the museum's past. Whenever questions are raised about the Modern's recent de-accessions, Lowry points out that the museum had originally intended to have a constantly evolving collection, and to de-accession even masterworks after they reached a certain age. And to those who dare complain that the Modern is publicity crazy, Lowry would be perfectly justified in responding that it was Barr who set up the first publicity department in a museum and almost single-handedly developed the concept of outreach to the wider community.

When Lowry decided that the first major temporary exhibition to appear after the re-opening of the museum would be "Contemporary Voices: Works from the UBS Art Collection," he could tell himself that the museum had always mounted shows devoted to collections that had been created outside of the museum; those of Nelson Rockefeller, William Paley, and Florene May Schoenborn and Samuel A. Marx come to mind. Although Donald Marron, in the "Contemporary Voices" catalogue, speculates that this may be the first show at the museum devoted to a corporate collection, an argument can even be made that this is not exactly true, for "Contrasts of Form," the great Constructivist show of 1985, was based to a large degree on the gift of the Riklis Collection of the McCrory Corporation. The main point about the UBS collection is that it has neither thematic nor artistic coherence, though nobody at the museum would want to break the news to Marron, who put together the collection at PaineWebber before it was absorbed by UBS, and who is a former president of the Modern, a current trustee, and a champion fund-raiser for and supporter of Lowry's museum.

Even if this were a corporate collection that reflected a distinctive aesthetic, the fact that UBS was donating some of the works to the museum would not have justified devoting an entire exhibition to UBS immediately after the re-opening of the museum. Didn't it occur to Lowry that once the new Modern becomes known as a museum that gives this kind of publicity to corporate donors, it is going to be increasingly diffi-

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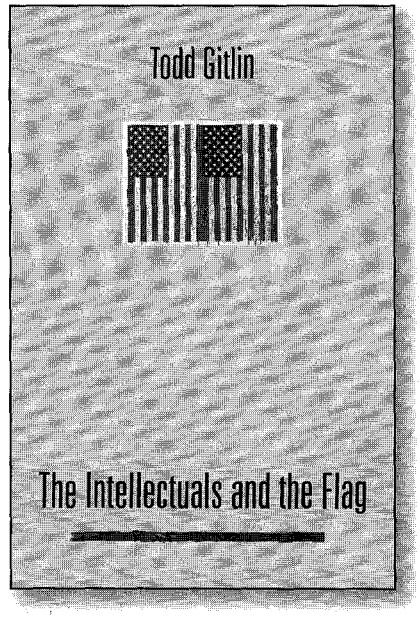

The Intellectuals and the Flag
Todd Gitlin

"Of all the voices to be heard since 9/11, Todd Gitlin's is among the most welcome. While others — on left and right — have lost their heads, Gitlin has used the occasion to rethink and reassert where he stands on questions of power, political authority, civic engagement, patriotism, and much else. This is a bracing and admirable book."
—Mark Lilla, *University of Chicago*, author of *The Reckless Mind: Intellectuals in Politics*

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cult to say no to the next corporation that comes along? Well, maybe that is exactly what did occur to him. At the very point when Lowry should have been asserting some level of independence, he was sending a giant public love letter to a corporation and a trustee.

Lowry is a brilliant fund-raiser, no question about it. That is enough to earn him an aura of unassailable authority in the insular world of arts administration. The trouble is that Lowry's authority has nothing to do with cultural authority, which is the one kind of authority that a museum director cannot do without. Anybody who runs a major cultural institution spends a good deal of time dealing with people who are far wealthier than they are and who have access to even greater sources of wealth, and money, needless to say, brings with it a certain authority. What, then, does the museum director bring to the table? How does he persuade those who are holding the purse strings to do what he wants them to do? There is only one way, which is by representing a standard of artistic authority so lofty and so unassailable that the people with the money will accept his authority. This is the kind of authority that Barr and Rubin exerted, at least a good deal of the time. It is the kind of authority that Philippe de Montebello exerts at the Metropolitan Museum of Art today. But it is a kind of authority that is now nearly non-existent at the Museum of Modern Art. Nobody has any idea what Glenn Lowry stands for, artistically speaking. If Lowry had that kind of authority, "Contemporary Voices: Works from the UBS Art Collection" would never have gone up.

III.

ALMOST AS SOON AS THE NOISY media-drenched re-opening of the Museum of Modern Art was over, a strange silence enveloped the museum and all its doings. To be sure, its shows have been reviewed, and there have been some controversies—about its de-accession policies, about the museum's attitude toward art taken from Jewish collectors during the Holocaust—which museum officials have responded to quickly and vigorously, as if they were making points in a political campaign. The silence to which I am referring is not the silence of the press; it is the silence of the most fervent artists and museumgoers—the men and women who have for decades been the museum's core constituency. These people still pay a visit to the Museum of Modern Art now and again, to see a new show or to look at an old favorite in the permanent collection; but they approach the museum without any particular hope that they are going to be moved by what they see, and when they leave they frequently express neither pleasure nor disappointment. The Museum of Modern Art, an institution that so many museumgoers experienced so personally, is now generally regarded as a faceless juggernaut. Expectations are so low that even the Edvard Munch retrospective, which opens at MoMA this month and would have been so eagerly awaited a decade ago, hardly excites comment.

Great museums stir great debates. The Modern used to do so. Shows such as " 'Primitivism' in 20th Century Art," "Picasso and Braque: Pioneering Cubism," "High and Low: Modern Art and Popular Culture," and the Gerhard Richter retrospective were heatedly discussed, and one knew that the museum invited those discussions, even when the curators felt that they were getting out of hand. What the museum chose to do next was in part always a response to how the museum's gloriously discriminating and opinionated public had responded to what the museum had done before. But this, sadly, is less and less true. Otherwise, the Modern would not have made precisely the same mistakes in "Pioneering Modern Painting: Cézanne and Pissarro," last summer's blockbuster, that so many people had talked about in relation to "Matisse Picasso" a couple of years ago.

The one-on-one juxtaposition of works by Matisse and Picasso in "Matisse Picasso" weakened the museumgoer's experience of each of the artists. The problem was articulated by the very audience of scholars and artists that the museum used to hold in such high regard; Pierre Schneider discussed some of the issues on *Charlie Rose*, and it was reported that Richard Serra felt that the show "shortchanged" Picasso. A great curator such as Barr or Rubin would have listened to such criticism. Instead, the powers that be at the Modern, who probably saw nothing in "Matisse Picasso" but a blockbuster extravaganza, went right ahead and in "Cézanne and Pissarro" once again pushed two masters into a face-off that undermined their work.

Joachim Pissarro, the great-grandson of the artist who is now a curator at the Museum of Modern Art, surely wanted to honor his ancestor and his ancestor's dear friend Cézanne. Perhaps a more seasoned curator would have known to vary a museumgoer's experience by avoiding the mechanical contrasts between paintings by Cézanne and Pissarro that turned a potentially revelatory exhibition into a numbingly boring game. Or perhaps he was encouraged to set up this kind of programmatic presentation, which had given "Matisse Picasso" its pseudo-educational appeal and was now expected to deliver the Modern another popular hit. As for the show's title—"Pioneering Modern Painting," with its obvious reference to Rubin's legendary "Picasso and Braque: Pioneering Cubism"—it was meant to give "Cézanne and Pissarro" some of the let-lightning-strike-twice magic that often attaches to a sequel—or, in this case, a prequel.

When I think back from this leaden, histrionic presentation of Cézanne and Pissarro to the heartbreakingly intimate chamber music of Rubin's exploration of the Cubist moment, I can't help but wonder how far the Modern has fallen. Joachim Pissarro has no idea how to create an effective installation, and unfortunately there may be nobody at the Modern who can give him any help. Far from bringing glory to his great-grandfather, he forced him into an untenable position. In the scheme of "Cézanne and Pissarro," which presented late nineteenth-century landscape painting as the road to modernity, Cézanne was inevitably the winner. The exhibition undercut Pissarro's intimate relationship with the heritage of Corot and Courbet. The show's progressivist spirit, which explains what we now see as Cézanne's reach toward abstraction, tells us much less about Pissarro, whose lifelong exploration of the naturalistic tradition culminated in a series of shimmering cityscapes that are a triumph of lyric verisimilitude.

The Modern no longer appears to be a welcoming place for curators who bring a distinctive personality to their work. Joachim Pissarro's show felt as if it had been engineered by a committee. Ann Temkin—who is, like Pissarro, a relatively new member of the department of painting and sculpture—had done distinguished work on the Brancusi retrospective at the Philadelphia Museum of Art, but she arrived at the Modern only to be stuck with the embarrassment of the UBS show. While there are always any number of reasons why somebody

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takes a job or leaves a job, recent movements among the curatorial posts at the Modern do not inspire confidence. It is discouraging to read about the departure of Terence Riley, the chief curator of architecture and design, whose "Tall Buildings" show in 2004 balanced artistic and social concerns with extraordinary skill. And one hopes that Peter Reed, who organized the remarkable Alvar Aalto show in 1998, is not leaving hands-on curatorial work altogether, now that he has been appointed senior deputy director for curatorial affairs, acting as a liaison between the curatorial departments and the administration. One worries whether the Modern any longer knows or cares about putting the right person in the right job. When Margit Rowell, who headed the drawing department for a time in the 1990s, returned in 2002 to work on a show of Russian illustrated books with Deborah Wye (who has done some outstanding work in re-installing the print collection), the results were so magnificent that I was left wondering what else Rowell could be asked to do at the Modern.

Surely the strangest of all the curatorial stories at the Modern involves Robert Storr, who was responsible for the Elizabeth Murray retrospective this fall, which he had begun to plan well before he left his post as a curator at the museum in 2002. I was not a fan of Murray's work back in 1988, when her mid-career retrospective came to the Whitney, and her extravagantly shaped canvases still strike me as exercises in arbitrariness masquerading as expressiveness. In general, Storr's taste is not mine. Yet it remains a conundrum that a museum that is so anxious to embrace the art of the present should have allowed the one curator on its staff who actually has some purchase on the present to depart. While his Gerhard Richter show was in my view mostly a gold-plated vindication of market pressures and market taste, Storr himself is a man with a from-the-ground-up grasp of the New York art world. He understands the lives of younger artists and he is familiar with all the dissident strands in the city's art community, and there is nobody else at the Modern of whom this can be said. Storr is certainly in demand as a curator: at SITE Santa Fe, at the Venice Biennale, at the Philadelphia Museum of Art. I am left wondering if the problem with Storr, at least from the museum's perspective, was that he is far too independent a figure to fit into Lowry's vision of the Modern, with its highly centralized authority.

Signing the Kills

That might have been me, the boy you saw
walking below the smokestacks. All night
he crossed the bridges between boroughs,
hitch-hiked rides beneath the rivers.
He stood spread-eagle in the silver webbing
on a dare that came across the airwaves
of his own voice, climbed Hail Mary
up the ladder of enormous cylinders,
fuel tanks and water towers, sprayed
the several syllables of invented names,
tagged overpasses and the underbellies
of train trestles. He walked until it seemed
his voice could mimic even the sound
of shoes slipping on roadside gravel,
the belt rubbing skin on his hips, the straps
of his singlet, the chain clinking against
the Saint Christopher he still believed in.
He baited pigeons and seagulls to play
Saint Francis and he would have tagged them
too, if they'd come. He walked until morning
smoke clouded the stars above the Kills
and doused the distant city's lights.
He tossed the rattling empty spray-can
and walked until he couldn't be distracted.
He walked until that voice was finally quiet.
He walked until those slow clouds started
to billow like offerings at matins and he
was emissary of a generous silence.

JOHN HENNESSY

THROUGH ALL THE BUMPS OF the past decade, the one curator who has remained a constant figure is John Elderfield. He now holds the post of chief curator that Varnedoe once held, but it is that job only in name; the gap of a year or so between Varnedoe's departure and the announcement of Elderfield's appointment was surely intended to signal that Lowry had at long last broken the chain of curatorial command that ran from Barr to Rubin to Varnedoe. To museum-goers who cherish the Modern's permanent collection and worry about some of the museum's trendier aspirations, Elderfield has long been viewed as the man you can depend on. His abiding interest in Matisse and his involvement with the work of Richard Diebenkorn suggest that he views modern art not as a break with the past so much as a distillation of the past or a continuation of traditional values by different means.

I have to admit that I have never been especially convinced by Elderfield's view of Matisse. Some years ago, when he mounted a show of Matisse's drawings, he wrote a catalogue so packed with reflections on the act of creation that Matisse's creativity felt stifled. In his enormous Matisse retrospective in 1992, he seriously underestimated the importance to Matisse's later thinking of his experiments with illustrated books and his work on the Vence chapel, all of which had long ago been recognized by Barr, his great predecessor in the study of Matisse at the Modern. Where Elderfield would be wise to diverge from Barr is in the latter's downgrading of the work of the Nice period, which Barr probably chose to de-emphasize in part because it had been overemphasized by collectors in the 1930s and 1940s. By now, however, Barr's obsession with Matisse's most simplified works has become holy writ, and it is disappointing to see that Elderfield, in his current installation of Matisse from the permanent collection, continues to overlook the Nice period, although the Modern owns several stellar canvases from that time, which came from the William Paley collection.

Elderfield has never had much of an instinct for installing works of art; but then nobody at the Modern since William Rubin has had this mysterious gift, which involves a confounding combination of disinterested sensitivity and fearsome self-assurance, and Rubin has now taken his secrets with him to the grave. That Elderfield's re-installation of the permanent collection was lacking in both poetry and lucidity did not come as much of a surprise. What has been encouraging in the past few months is that he has shown a willingness to honor an older tradition at the museum and listen to his critics. In at least three large galleries on the fifth floor, the installation has been immeasurably improved. Monet's *Water Lilies*, which made a crushingly poor impression as originally installed in the atrium, has been hung in a gallery that to a large degree resurrects the room

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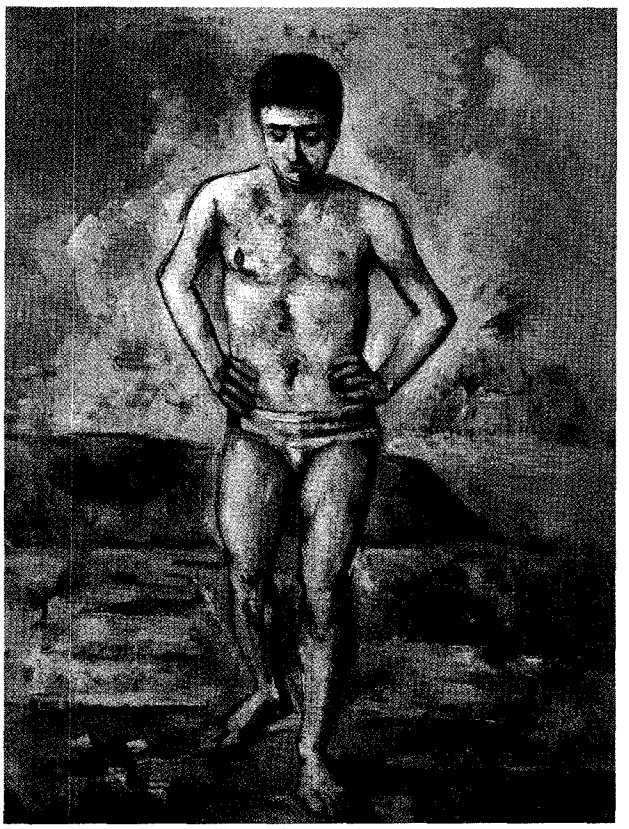
dedicated to Monet's late work that was one of the legendary corners in the old museum. Next to this, he has re-hung Mondrian's work in a gallery that is now devoted exclusively to this essential modern master. And next to that, Elderfield has devoted a gallery to Picasso's work of the 1930s and 1940s, combining paintings, a sculpture, a collage, and some prints that offer an audaciously personal recapitulation of classical themes.

In his initial installation of the permanent collection, Elderfield made something of an effort to set aside the systematic unfolding of stylistic trends, often described as a cornerstone of modernist taste, in favor of a kaleidoscopic juxtaposition of works. He set Bonnard's intimism near Picasso's surrealism; he presented Mondrian not alone, but in the context of other constructivist and geometric work of the 1920s and 1930s. That Barr and Rubin, in their installations, often simplified the character of certain periods is beyond question. But what Elderfield's willingness to move closer to their hangings suggests is precisely what many people have long suspected: that those older installations were based not on a refusal to accept complexity so much as on a recognition that the museumgoing experience requires a certain clarity. When Elderfield hangs Picasso's meditations on the minotaur, those graphic works that have been a part of the Modern's collection for generations, we are reminded that Barr and Rubin understood that Picasso, despite his magisterial formalism, was also a fervent storyteller. Elderfield's willingness to recognize some mistakes, and to return to the museum's more traditional configurations, is one of the few hopeful signs in what has been a deeply discouraging year.

The Museum of Modern Art was never quite the formalist stronghold that it is often believed to have been. Barr was extremely sensitive to the powers of metaphor and narrative, and Rubin, despite his sympathy for some of the most starkly distilled work of the past half-century, gave in his exhibition "Picasso and Portraiture," in 1996, what may be the most searching of all accounts of the workings of Picasso's omnivorous imagination. While I am definitely one of those MoMA watchers who believe that the museum has as often as not overlooked the finest work of the past fifty years, it is a testament to the riches of the Modern as an ongoing center for the study of modern art that what often feel like the most urgent artistic questions turn out to be ones that the museum was exploring long ago. When "Beyond the Visible: The Art of Odilon Redon" opened at the museum this fall, a lot of people were so struck by the extent to which this fin-de-siècle master of dreams and enigmas spoke to what they saw as contemporary art's drift toward the fantastic and the bizarre that they came to believe the show reflected a new turn at the museum. The fact that the majority of the works on display had been recently donated by the Ian Woodner Family Collection served to underscore this view, but what is most fascinating about the Redon show is that it draws on a very early preoccupation of the Modern's, with the development of near-abstract fantasy at least a generation before the coming of abstract art.



COURTESY HARRY N. ABRAMS

PAUL CÉZANNE, *The Bather*, circa 1885

There were Redons in the collection in the early 1930s; a dozen of Redon's works were included in the seminal "Fantastic Art, Dada, Surrealism" show in 1936; there was a show of his drawings and lithographs in 1952; he was featured in "Redon, Moreau, Bresdin" in 1961; and in recent years his work has hung near the beginning of the permanent collection. "Beyond the Visible," which is a splendid show, builds on that rich museological history. There is a winning modesty about the presentation of the exhibition. Jodi Hauptman, the curator in charge, understands that the development of Redon's art, which begins with decades of essentially monochromatic work and concludes with a burst of dazzlingly chromatic paintings, has its own dramatic force. This memorable exhibition bears comparison to great MoMA shows of the past. The curator clearly believes that the artist's work can actually tell its own story, and the result is an exhibition of riveting poetic complexity.

IV.

THERE IS NO QUESTION that the founders of the Museum of Modern Art meant to establish an institution that would last. It is also unquestionable, as Lowry is so fond of pointing out, that they meant to create an institution that would constantly change. The question that now confronts the museum is in what ways it ought to last and in what ways it ought to change. For Barr, I think, the evolution of the museum was linked, in some deep philosophical way, to the dynamism of modern art itself, with its mysterious mingling of intense introspection and messianic ambition. It was the artists who would show the museum the way.

In 1954, when Barr wrote a description of Cézanne's *Bather*, a work that had already been in the collection for twenty years, what he chose to emphasize were the tensions in this strange male figure. "Academically," he wrote, "the drawing is poor, the right knee inexcusable, but seen as a whole the figure stands firm as stone." And he went on to say that "Cé-

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zanne, adapting a landscape from another picture, has again fumbled his naturalistic scale while achieving artistic grandeur." Like the Greek kouros figures, those primary images in the classical accounts of Western art, Cézanne's *Bather* steps into the world. But the smiling confidence of the kouros has been riven with anxiety—the anxiety that bids the history of modern art begin. For Barr, Cézanne's awesome yet unsettling *Bather*, this painting that for decades welcomed visitors to the museum's collection, must have been a constant reminder that nothing is simple, neither the making of a masterpiece nor the shaping of a great institution.

Today Cézanne's *Bather* is located far away from the entrance to the museum. You have to make your way from the first floor to the fifth floor to find it, and there you discover that it no longer has quite the central position that it had in earlier installations. There are surely visitors who proceed straight to the fifth floor, where the permanent collection begins, and just about everybody who visits the museum finds their way there eventually; but by the time you come upon the *Bather* you may also have the feeling that it has been kicked upstairs. In the current arrangement of the museum, visitors are urged to begin by exploring the vast second-floor galleries devoted to work from the past thirty years. Whatever the arguments in favor of the reverse chronological arrangement of the collection, which some may see as giving the beginnings of modern art an appealing ivory-tower remoteness, the salient fact about the new museum is that there is no longer any way even to begin to understand how the art of the present, on the second floor, might be related to the beginnings of modern art, which the Modern still identifies with Cézanne, Van Gogh, and the other Post-Impressionists, who are up on the fifth floor.

The concern for continuity and tradition that continues to shape (albeit in a formulaic and dutiful way) the account of art between 1890 and 1950, on the fifth and fourth floors has been rejected on the second floor. A visitor wanders from a painting by Agnes Martin to a room in which a Thomas Tallis composition has been arranged to play on forty speakers by an artist named Janet Cardiff, and from there to a slide show of William Kentridge's cartoonish drawings, to three mannequins that Yinka Shonibare has clothed in nineteenth-century women's garments made out of contemporary African-style batiked cloth. The works here are tossed around with what feels like a here-today-gone-tomorrow informality. And this is more or less what is intended, according to Elderfield. "The art of the last thirty or so years," he wrote in a guide published at the time of the re-opening, "is too recent to be presented in the form of a synthetic overview."

Glenn Lowry, discussing the museum's view of history, would have us believe that he and his curators are responding to the kaleidoscopic conclusions that contemporary artists and museumgoers choose to draw from the art of the past. He has observed that the museum "is constantly revising the narrative of its own history," and he has said that the museum is engaged in "a collective process of interlocking dialogues and narratives played out over a theoretically infinite number of lifetimes. Each thread, each experience, is part of an ever-expanding set of ideas and realities made concrete by the objects that the Museum collects and displays." Lowry can certainly talk the talk. And when he speaks about "narratives" and an "ever-expanding set of ... realities," those buzzwords of postmodernism and relativism, he is telling us that the search for truth has become so hopelessly tangled that any account of art and its history will do. The fact is that the installation of contemporary art does not offer any of the threads that Lowry advises museumgoers to trace back into the history of art. The second floor is like a sewing kit dumped on the floor and scattered.

"WHO IS TO SAY WHAT is really important?" This is the question that Barr raised in the introduction to *Masters of Modern Art*, a survey of the collection published in 1954. Lowry may want us to believe that the controlled chaos of the second-floor installation is his staff's carefully equivocal response to this question. But if this installation has a message, it is that nothing is particularly important, and if Barr knew full well that there was no absolute standard, he also knew that the intensity with which people argue about the relative importance of works of art is a sure sign that art is fueled by the loftiest aspirations. "A leading authority on cubism," Barr wrote in 1954, "still insists that a Mondrian is not a work of art at all; a devotee of Mondrian denounces the surrealism of Ernst and Dalí as perversion of true art; a dadaist of 1920 finds the abstract expressionist of 1950 tedious.... Artists and their champions may indeed seem a squabbling banderlog of isms. But, actually, they are not." And why not? Barr's answer is exceedingly important, for what he is saying is that what matters in the present relates to what mattered in the past—that there are lines of force, evolutions, devolutions. "Their differences are real and significant," he explains, "slowly developed, passionately believed in, and expressive not simply of artistic convictions but often of deeply felt philosophies of life." What has been erased at the new Museum of Modern Art is this sense of something (of anything!) that is slowly developed, that is deeply felt, that makes a connection between the past and the present.

Let us return to Barr's question. "Who is to say what is really important?" For museumgoers who have been visiting the Modern for decades, there can be a certain irony in that question, for it was after returning to the Modern over and over again that some of us realized that we did not always agree with Barr

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and Rubin. Of course, Barr would have said that that was precisely the point, just as long as everybody was in agreement as to how extraordinarily important a work of art could be. Dismayingly, this is no longer the case at the Museum of Modern Art. Lowry can write whatever he wants about narratives and realities, but the message that he has broadcast loud and clear is that in Lowry's museum the only important work of art is the one for which a trustee can be persuaded to cough up a few million dollars—or the one that a tourist will plunk down the $20 admission fee to see. All that any longer matters is the health of the institution, by which we are to understand the box office, the cash flow, the revenue stream, the endowment. Considering that only a year has passed since the re-opening of the Museum of Modern Art, it may still be too soon to conclude that the operation was a success and the patient died. What is certain is that Glenn Lowry's corporate medicine has left the Museum of Modern Art's artistic mission on life support. ■

Steven Hahn
Divine Rights

THE MIND OF THE MASTER CLASS: HISTORY AND FAITH IN THE SOUTHERN SLAVEHOLDERS' WORLDVIEW
By Elizabeth Fox-Genovese and Eugene D. Genovese
(Cambridge University Press, 828 pp., $70)

DWELLING PLACE: A PLANTATION EPIC
By Erskine Clarke
(Yale University Press, 601 pp., $35)

I.

FOR ALL THE INK THAT HAS been spilled, for all the quarrels and the debates that have erupted over the past century and a half, popular and scholarly understandings of the Civil War almost universally share one view in common: that the war was a great tragedy in American history and American life. Not a lecture is delivered, not a review penned, not a book published—however much they may differ as to the causes, the objectives, or the outcome of the war—in which this view is not embedded or made explicit.

There is, of course, good reason for this. For all the grisly wars in which Americans have engaged, the Civil War remains by far the bloodiest and the most destructive. More people were killed or wounded in the Civil War than in all other American wars combined, and few families living in the country at the time did not suffer some sort of casualty. Ours was, in fact, the bloodiest war of the nineteenth-century world. Equally important, Americans killed and wounded each other on a scale of organization and effectiveness unmatched in our history, dividing citizens and, in some cases, families, and leaving a bitter legacy that has never fully healed. And for those who cherish our political institutions, and regard them as a basis for national pride and distinctiveness, the war demonstrated how fragile and prone to failure those institutions could be.

Yet the idea of tragedy also presumes that some alternative to warfare would have been preferable as a means of settling the great social and political issue of the day, which was slavery. It presumes that negotiation or compromise on the matter of slavery, rather than the resort to arms, not only would have spared the nation thousands of lives, but would have left us stronger and more united; that some other course, perhaps any other course, would have been better for everyone. But these two large, powerful, and very different books suggest otherwise—that a reconsideration of the theme of tragedy may be long overdue.

THE MIND OF THE MASTER CLASS has been in the works for well over two decades, and its publication affords us an opportunity to reflect upon the intellectual trajectories of two historians who have left important marks on the fields of Southern, American, and Civil War history, one of whom—Eugene Genovese—has been among the most influential American historians of the past half-century.

When Genovese appeared on the scene in the early 1960s, scholarly interest in the Civil War—even amid its centennial—seemed at low ebb, the interpretive literature was still dominated by the "consensus perspective" that had emerged in the 1940s and 1950s, and our understanding of African American slavery was only beginning to detach itself from the hold of Southern apologists. With *The Political Economy of Slavery* (1965), and then with *The World the Slaveholders Made* (1969) and *Roll, Jordan, Roll: The World the Slaves Made* (1974), Genovese challenged this entire intellectual edifice and was partly responsible for a historiographical revolution.

Genovese argued that antebellum America had developed into two fundamentally different and antagonistic societies, one based on slavery and one on free labor; that the South had given rise to a powerful and self-conscious ruling class of slave-owning planters, who advanced a worldview and a set of politics critical of the capitalist North and intended to defend to the death the social system over which they presided; that the planters commanded the culture, as well as the politics and economy, of the South, achieving leadership over the free majority of non-slaveholders; and that although the slaves found ways of resisting the worst of their enslavement and laying the groundwork of a discrete African American culture, they never fashioned the politics or the sensibility to attack the slaveholders or slavery directly. Indeed, the slaves' embrace of Christianity—the centerpiece of *Roll, Jordan, Roll*—came to exemplify the contradictory dynamics of their experience and their struggle.

What held these interpretive interventions together, and made them so remarkable and consequential, was Genovese's sophisticated Marxism. Unlike Western Europe and Latin America, where it flourished and enjoyed a considerable following—notably in the work

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of Albert Soboul, E. P. Thompson, and Andre Gunder Frank—academic Marxism in the United States, especially in the field of history, was, as late as the mid-1960s, a marginal and besieged current, given over mainly to economic determinism and hounded into obscurity by the culture of the Cold War. Genovese was hardly alone in breathing life into it, and the rise of the New Left created a receptive context. But Genovese helped to provide Marxism with an intellectual credibility that it had never before achieved by employing a sophisticated approach to political economy and, especially, by drawing upon the writings of Antonio Gramsci, who focused on questions of cultural and political authority, civil society, and how ruling classes became hegemonic.

Before long, Genovese's work framed many of the debates in Southern history, captured the attention of those well outside the field of Southern history, and compelled historians to take a serious look at Marxism itself. The political irony was that conservative historians often appreciated the seriousness of Genovese's scholarship and the respect that he showed to his scholarly predecessors (even reactionary and racist ones), while budding Marxist and leftist historians grew increasingly critical of Genovese's apparent admiration for the planter class of the South. Many bridled at his almost celebratory treatment of Virginia's pro-slavery ideologue George Fitzhugh, who believed that slavery was the proper status for all poor people regardless of race; and more than a few felt that *Roll, Jordan, Roll*, his book on "the world the slaves made," was too much about the world the slaveholders made for them.

Neither Genovese's subsequent book on slave rebellions, *From Rebellion to Revolution* (1978), nor a collection of essays that he published with Elizabeth Fox-Genovese (a French historian turned Southern historian), *Fruits of Merchant Capital* (1983), nor Fox-Genovese's own book on the women of the plantation South, *Within the Plantation Household* (1988), did much to allay the suspicions. And in fact, by the late 1980s Genovese and Fox-Genovese seemed well on their journey down a rightward road, criticizing the main professional organizations for submitting to feminism and multiculturalism, drawing close to the Catholic Church, winning honors and patronage from Republican officeholders, and commemorating Southern conservatism and evangelicalism. Genovese even turned up in the pages of *Southern Partisan*, a neo-Confederate rag, and several of his recent books—*The Slaveholders' Dilemma* (1994), *A Consuming Fire* (1998), and *The Southern Tradition* (1996)—read like apologetics for the old regime and its vestiges. Fox-Genovese's polemical *Feminism Without Illusions* (1991) read more as a defense of cultural conservatism than as a brief for feminism.

WHAT HAPPENED? HAD Genovese and Fox-Genovese switched sides? Or was this the logical outcome of their thought, even in its explicitly Marxist phase? *The Mind of the Master Class* suggests strong, if not dominant, threads of continuity. Indeed, in a variety of ways, the book seems very much a throwback. It is intellectual history of the most traditional sort, embracing as its subjects a largely male, educated elite, and it takes relatively little notice of recent scholarly trends or of scholarship that has been published during the past fifteen to twenty years. It is learned in an almost relentless way, overflowing with footnotes and commentary (perhaps one-third to one-half of its eight hundred–odd pages are taken up with footnotes), and beset with seemingly endless examples on most every point, somewhat in the manner of a French *grand thèse*. And most interestingly, it feels as if framed by the old Marxist problematic. *The Mind of the Master Class* is a study in the intellectual and cultural hegemony of slaveholding planters. It reads like a book that Genovese and Fox-Genovese might have written in the 1970s or early 1980s, and, given the time span of its preparation and their refusal to engage with a rapidly changing literature, much of it may well have been written then.

To a considerable extent, this is good news. *The Mind of the Master Class* is neither tendentious nor dismissive. It does not conjure up alleged villains in the academy so as to swipe at or to demean them. At its best, the book is a fascinating and painstakingly detailed account of how Southern intellectuals took on the world of political and religious ideas between 1820 and 1860. The first three parts treat their encounter with the age of revolution, the meaning of history, and the legacies of antiquity and the Middle Ages; the fourth and by far the largest part (more than one-third of the book) treats their experience with Christianity and Christian theology; the fifth and briefest part treats the tensions in their thought between individualism and corporatism. Throughout, Fox-Genovese and Genovese insist that their subjects be regarded as serious and cosmopolitan thinkers in Western culture, who struggled amid contradictory currents to fashion a "unique, modern slave society."

The struggle was chiefly over how to balance the emerging forces of modernity with those of tradition. It was not over whether to defend slavery and slave society. That struggle had already been won by the early nineteenth century, if not before. The "mind" of the master class and its intellectual representatives, including the ministry, was fully committed to the "peculiar" institution of the South. But what of the great convulsions of the Atlantic world, of which their own independence was a product? What of the revolutions in politics and theology, literature, and ideology? Here the "mind" could be pulled, stretched, and even fractured: at once embracing change and fearful of the results. Thus, according to the authors, Southerners picked and chose, delighting in those developments and tendencies that did not threaten—or, better, actually reinforced—the relations and values of their slave society; reeling from those that promised to re-adjust the balances of social and political power.

Southerners (by which is meant white Southerners) loved Sir Walter Scott, imagined a close connection with the chivalric traditions of the Middle Ages, and relished the classics together with historical accounts (such as Gibbon's) of the ancient world. They were more ambivalent about the French Revolution and the revolutions of 1848, exulting in the advance of republicanism and the destruction of monarchy, but at the same time fretting about the challenges to hierarchy, deference, and authority. The revolutions, after all, not only attacked church and king (in this case the generally reviled Catholic Church); they eventually attacked slavery and serfdom as well.

Fox-Genovese and Genovese are at their best in the book's first three parts. They place the antebellum South in a broad trans-Atlantic context, provide readers with a wealth of information as to what elite white Southerners read and

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thought, and are careful to present the range of opinions that were provoked among them. They rely heavily on contemporary journals such as *Southern Literary Messenger, Southern Quarterly Review*, and *DeBow's Review*, together with the published and unpublished papers of many of the South's intellectual and political leaders. And although they tend toward scholarly overkill, Fox-Genovese and Genovese offer a rich and for the most part lively accounting. Its massive size notwithstanding, *The Mind of the Master Class* can be profitably read and appreciated in much smaller portions.

BUT ITS FOURTH PART, "A CHRISTIAN People Defend the Faith," is more disconcerting. Fox-Genovese and Genovese clearly regard this as the soul of their book, and they seem to throw themselves into it with a special intensity; but their enthusiasm for theological arguments, and for settling theological scores, will wear down all but the most committed specialists. Even worse, despite claiming that "we do our best to distinguish our attitudes from those of the people we are writing about," they appear intent on advancing the slaveholders' case: that the Bible is the word of God and that God's words sanction slavery.

It is well known that slavery is in the Bible, and it is well known that the Protestant churches in the United States increasingly divided over the slavery question. Fox-Genovese and Genovese have, in much of their work, insisted that the division was theological as well as political and institutional, as evangelicals and other Protestants in the South moved toward religious orthodoxy—quite the opposite of their counterparts in the North. The authors, along with many others, have demonstrated, too, that white ministers were important intellectuals who played a central role in lending proslavery theory its popular appeal.

But rather than treating the Bible as a profound cultural text, in which the integrity of the interpretation is, in good measure, socially and politically contingent, in which biblical narratives provoke a variety of readings and engender great disputations, they construct something of a formal debate in which they are both participants and judges, relishing the opportunity to proclaim the winner. "To speak bluntly," they declare, "the abolitionists did not make their case for slavery as a sin—that is, condemned in the Scripture. The proslavery protagonists proved so strong in their appeal to Scripture as to make comprehensible the readiness with which southern whites satisfied themselves that God sanctioned slavery."

Southern whites—or at least that still-disputed number who regarded themselves as good Christians and went to church—probably did believe that God sanctioned slavery. But readers who want more than assertions about this, and about related points having to do with the development and nature of the "mind" of the master class, will be disappointed. Is there, finally, a mind of the master class? And is the idea of a "mind" of a class (or of any social or political group) any longer a useful category of description or analysis? The truth is that for all the scholarly apparatus, for all the evidence of prodigious research, Fox-Genovese and Genovese examine a prominent but still relatively small cut of the master class of the South. And if there is anything we have learned over the past three decades, it is that antebellum slave society was marked by great variations as to social and political organization and cultural forms, and not only between the Upper and Lower South (which the authors acknowledge and then ignore). These variations included an immensely diverse slaveholding, or master, class, most of whom owned only a few slaves and could be found anywhere between the eastern shore of Maryland and east-central Texas.

Now it may well be—and this has always been Fox-Genovese and Genovese's deeper point—that the social ideals to which many of these slaveholders aspired were those of the great planters and their intellectual acolytes, and that they were moving toward a particular understanding of the social relations of slave society—toward a particular mentality or mind frame—akin to what was being articulated in the sources the authors study. But in more than eight hundred pages we never see this happening. Nor do we ever see whether or how the majority of white non-slaveholders came within the cultural and intellectual orbit of the large slaveholders. It is just posited, with added reference to the political disposition of independent rural households. We are effectively asked to take these associations on faith, much as we were thirty-five years ago in what was then a provocative essay on George Fitzhugh and "the logical outcome of the slaveholders' philosophy."

PERHAPS MORE STRIKING, IN view of the scholarship of Elizabeth Fox-Genovese, is how little women or gender figures in *The Mind of the Master Class*. Louisa McCord, Mary Chesnut, and some lesser lights do make occasional brief appearances, and there is a short unsatisfying chapter titled "Chivalric Politics: Southern Ladies Take Their Stand." But after the authors argue that "women bore, largely in silence, their assignment to an inferior place in society and even within the household," it is not entirely clear why, "by the time of secession, southern women had established a reputation as more ultra than their men," emerging as leading defenders of a society that demanded their submission. Even if Fox-Genovese and Genovese are pretty much right about this, it is an interesting historical problem that deserves more attention than it is given here. The "mind" of the master class is, in this volume, gendered male. Aside from invoking some of the language of paternalism, the authors do not really confront this directly or suggest what the gendered construction of the master class and its worldview should mean for our sense of the society as a whole. At best, the gender dynamics are identified and described rather than analyzed.

Most troubling is the utter absence of the slaves as participants in and contributors to the mind of the master class. "Cruel, unjust, exploitative, oppressive, slavery bound two peoples together in bitter antagonism while creating an organic relationship so complex and ambivalent that neither could express the simplest human feelings without reference to the other." In this way Eugene Genovese began *Roll, Jordan, Roll*. But he appears to have forgotten, or abandoned, his powerful insight. Slaves and slavery are, to be sure, all over *The Mind of the Master Class*, and although Fox-Genovese and Genovese do not dwell here on the pro-slavery argument (this is promised for a subsequent volume), they insist that slavery was the foundation on which the antebellum South and its ruling class rose. In their rendering, however, slaves and slavery are abstractions, reference points, objects, rather than human beings who, even from positions of extreme subordination, gave shape to the experiences and sensibilities of those

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who sought to dominate them.

This makes little sense. Could we imagine an American Revolution or a Declaration of Independence without the artisans of Boston, New York, and Philadelphia? Could we imagine Progressivism without the radical Populists or the Socialists? Could we imagine the New Deal without the CIO or the Great Society without the movement for civil rights? So how can we possibly imagine the developing self-consciousness of the Southern master class, particularly in its theological and spiritual aspects, without the slaves, who themselves imbibed and re-interpreted many of the political and cultural currents of the Atlantic world and, in some cases, inspired the conversion of white and black communities of the South to Christianity?

II.

THE REVEREND CHARLES COLcock Jones and his wife Mary Jones make only fleeting appearances in *The Mind of the Master Class*, but they were two of the more formidable and interesting minds that the master class had to offer. Members of large extended families from coastal Liberty County, Georgia (and first cousins), they presided over several plantations and, led by Charles, established Christian missions to the slaves there. Yet, as Erskine Clarke reveals in his beautifully conceived and penetrating book, they not only struggled over the morality of slavery to important political effect; their struggle was shaped by long and complex relations with generations of slaves.

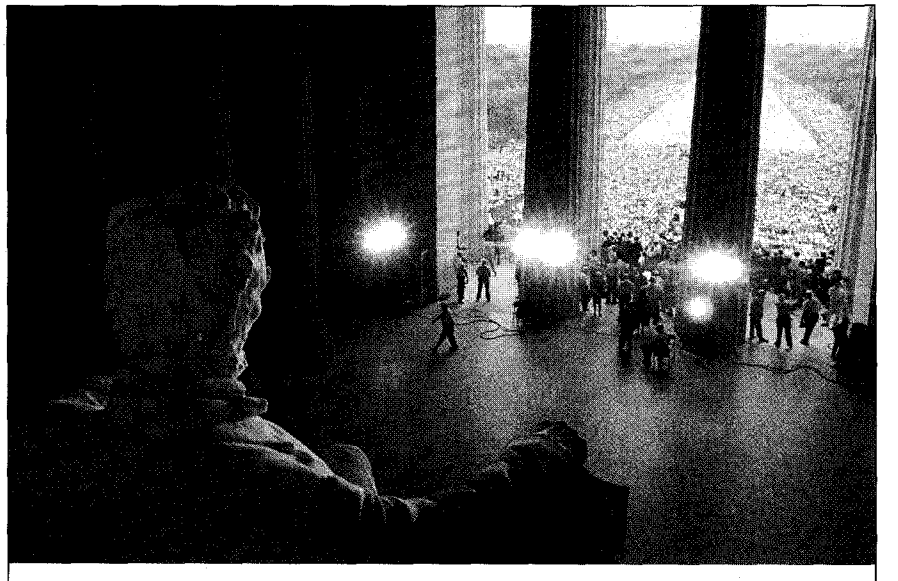
A scholar of Southern religious history—his books include *Wrestlin' Jacob* (1979) and *Our Southern Zion* (1996)—Clarke has now produced one of the finest studies of American slavery ever written. His achievement is owed to many years of research, to serious reflection about the social dynamics of slave societies, and to a determination that his narrative really be a history of "two peoples living together."

Clarke had lots of material to work with. The story of the Jones plantations first came to public light more than thirty years ago with the publication of *The Children of Pride*, a huge (more than 1,800 pages) and extraordinary collection of family letters covering the Civil War era, edited and introduced with great skill by the literary critic Robert Manson Myers. But this was only a portion of the Jones family papers and plantation books—now kept at Tulane, Duke, and the University of Georgia—which stretch back into the eighteenth century and provide the opportunity for meticulous hands to reconstruct the lived experiences of multiple generations, black and white.

Although Charles Colcock Jones is the book's central character, we come to know a great many people, slaves and masters. And unlike most historical studies, where the limits and the intractabilities of the archival evidence rarely permit us more than a momentary acquaintance with the enslaved, in *Dwelling Place* the slaves come forth in many settings and guises over many years. We are introduced to their families and friends, their children and grandchildren, their labors in the fields and their lives in the "settlements," their spiritual and intellectual sensibilities. We watch them grow up, marry and raise children, struggle through their many hardships, build communities and produce leaders, suffer dislocations of many varieties, and then rebuild their networks of kin and faith. The slave genealogical charts that Clarke includes are exceptional contributions in their own right. Ultimately, we see the slaves gain their freedom and put the searing lessons of slavery to good use.

THE JONES PLANTATIONS WERE hardly typical of the antebellum South, and Charles Colcock Jones was hardly typical of the master class. Yet in the very distinctiveness of this world and its inhabitants, the horrors of slavery, the fortitude of the slaves, and the profound dangers posed by the slaveholders and their regime become all the more apparent. On average across the South, whites outnumbered blacks by about three to two, plantations might hold somewhere between twenty and fifty slaves, and masters and slaves seemed almost constantly on the move, either from the Upper to the Lower South or, more generally, from the southeast to the southwest, something in the manner of William Faulkner's Thomas Sutpen.

In Liberty County, by contrast, blacks outnumbered whites by about three to



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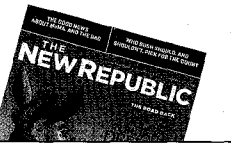

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one, plantations usually held well over fifty slaves, and masters and slaves alike had commonly been there for decades. It was a world of relative demographic stability and cultural density. When Charles Colcock Jones was born in 1804, his father and grandfather had already established plantations and made a place for themselves among the local elite; African Americans such as Prince Stewart, born at the same time, could be part of a second or third generation of Jones family slaves.

Charles seemed destined for the life of planter and merchant, activities that had created the foundation of the family fortune, when, at the age of seventeen, he made a profession of faith and determined to enter the Presbyterian ministry. His education took him first to Phillips Academy and Andover Theological Seminary in Massachusetts and then to Princeton, and it would include acquaintances with prominent Northern social reformers and abolitionists such as Catharine Beecher and Benjamin Lundy. Before long, Charles fell into a deep moral and spiritual crisis over the institution of slavery and his relation to it. He shared his doubts with his new wife, Mary, flirted briefly with the American Colonization Society (which looked to combine gradual emancipation with the expulsion of freed blacks to Liberia), and eventually decided to return to Liberty County and offer religious instruction to the slaves.

As Clarke perceptively points out, the slaves did not need Charles's instruction in religion and spirituality. They had cultivated their own experiences in settlements, worship houses, and brush arbors, usually well beyond their masters' gaze. But the slaves, and especially their leaders, also knew that there were advantages in building bridges over the great social and cultural divide that separated them from their owners, all the more so in places such as Liberty County, where slaveholders might have several plantations and perhaps spend the oppressive, fever-prone summers elsewhere. So they came in large numbers to hear Charles explain the Bible story. It was part of a process of community education and self-protection that enabled the black folks to understand the white folks far better than the white folks would ever understand them.

For his part, Charles took the duties very seriously and recognized that he had to learn more about his prospective students before he would be able to teach them. He studied their ideas, beliefs, and practices. In so doing, he developed a close relationship with Sharper, a black preacher and the undisputed leader of Liberty County's slaves, who lived on a neighboring plantation and decided to mentor Charles. There were more than a few bumps along the way as Charles, interested in converting lost souls, discovered what worked and what did not. It would not be the only time he depended directly on a slave to serve as an intermediary, interpreting worlds to each another. Which is to say that the minds of the masters and those of the slaves were interconnected—in some ways mutually constituted—despite the distances, the fictions, and the gross imbalances of power.

Eventually, Charles Colcock Jones managed to convince once-hostile fellow slaveholders of the wisdom of his program of religious instruction. But this was no sign of his—or their—rejection of slavery. Mary Jones may have anticipated the intellectual course that Charles would take when, in 1829, she answered his distressed questions about the "vast charnelhouse" in which they lived. Yes, she thought slavery "one of the greatest curses any nation or people should have to contend with." Yet emancipation was in the interest of neither the slaveholder nor the slave, because the slaves were in "a degraded state," incapable of "self-government," "devoid of every principle of moral rectitude." Better to "raise them first in the scale of moral excellence by a different mode of treatment," to "teach them the duty of obedience from higher motives than earthly displeasure." Thomas Jefferson had responded in a similar way to antislavery advocates who beseeched him to join them in a public stand.

As Charles and Mary assumed charge of the extended Jones clan, they seemed to settle into the roles of "enlightened" slaveholders, with all the self-deception that this involved. When the family patriarch Joseph Jones (Charles's uncle) died, Charles became directly involved in selling off more than two hundred slaves, though he made sure to keep parents and children together. It was one of many examples (Charles later punished a troublesome slave, selling not only her but also her entire family) of how this relatively stable world of enslavement could be disrupted at a moment's notice by the economic needs of the master class, of how the power of even "benevolent" owners could, on a whim, destroy a community that had taken decades to construct. "My dear wife," the slave Abram movingly wrote to Dinah, "I take the pleasure of writing you these few [lines] with much regret to inform you that I am Sold to a man by the name of Peterson.... Give my love to my father and mother and tell them good Bye for me. and if we Shall not meet in this world I hope to meet in heaven. My Dear wife for you and my Children my pen cannot Express the griffe I feel to be parted from you all."

By the late 1850s, after brief stints as a professor of theology in Columbia, South Carolina and as the director of the Presbyterian Board of Domestic Missions in Philadelphia, and burdened by failing health, Charles Colcock Jones returned to Liberty County and began to write a history of the Christian church. All the while, his heart seemed to be hardening in regard to slavery. Perhaps it was the growing unrest in the settlements that may have been provoked by local sales and removals of Jones family members to new lands in southwest Georgia. Perhaps it was the intensifying sectional conflict, exemplified by John Brown's unsuccessful effort to raise a slave rebellion. It was likely all of these things and more. Thus, despite his long admiration for the North and his long-standing unionism, Charles—along with Mary and their sons Charlie and Joe—came to embrace secession and the Confederate cause.

For Jones and his family, the Civil War would be the end of their plantation epic. And nothing proved more galling than the direct participation of their slaves—including some of the most trusted and apparently loyal ones—in the downfall of their slaveholding society. It was the sort of jolt that exposed, as little else could, the fictions of power and domination, of ignorance and subordination, that so many slaveholders entertained, and that would be experienced by them as betrayal. Charles angrily regarded those slaves who fled to the Yankees as traitors deserving summary punishment, and he looked to resettle most of the others on an estate that had been found far off in middle Georgia. But in 1863, soon after more than seventy of the slaves had been loaded into boxcars for the journey in-

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land, signaling the impending collapse of the plantation world he had always known, Charles's body gave out, too.

III.

There would be no recuperation for the Jones family in Liberty County. One by one, they left: for New Orleans, Nashville, New York. Yet a visitor to the area in the 1870s would find legatees of the Jones plantations rebuilding. They were, as Erskine Clarke tells it, the now-freedpeople of the settlements, some of whom had returned many miles from forced exile owing to sales or relocations. Drawing upon the relations, values, and aspirations they had nurtured as slaves, they were busily constructing a social landscape of small, independently owned truck farms tied to one another by kinship, religious faith, and mutual assistance.

Social landscapes such as this were rarities in the post–Civil War South, at least outside the low country of Georgia and South Carolina. Most slaveowning families had better luck than the Joneses in holding on to their land, and most former slaves ended up working for them as tenants, sharecroppers, and wage laborers. But if it then appeared that, in general, little had changed after the war, appearances could be deceiving. Slavery had been abolished in the Southern states without compensation to the owners. The old master class had been driven from national power. And freedpeople everywhere had become citizens of the United States, and in principle had won equality before the law. Black men had gained the elective franchise. It was a very far cry from the status quo antebellum, and possible only because of the Civil War and the unconditional defeat of the Confederacy.

Indeed, for all the talk about the tragedy brought on by our nation's Civil War, it is easy to forget how different the country might have been had the issue of slavery been resolved in a more peaceful fashion. Were it not for the Civil War, slavery would at best have been abolished in the Southern states as it was in the Northern states and in most every other slave society in the Americas (with the exception of Haiti): gradually, over a period of many years, extending slavery's life well into the twentieth century. (Lincoln's early plan was for a thirty-five-year emancipation.) The slaveholders—who thought that slavery was the proper condition for inferior people of African descent, if not for poor people of any race or ethnicity; who celebrated the cultures of other societies based on slavery and servitude; and who believed that slavery embodied God's divine order—would have retained great power and authority in the United States, and used federal resources for their special purposes. There would have been no Thirteenth Amendment to the Constitution, no Fourteenth, no Fifteenth. There would have been no Reconstruction acts, no Civil Rights acts, no legal bases for claims to equality. The infamous *Dred Scott* decision would have remained the law of the land, prescribing that black people, whether enslaved or free, had no rights that whites were "bound to respect."

Fox-Genovese and Genovese seem a bit more sanguine about a future in which the slaveholders might have taken part, pointing to the racist world of late nineteenth- and twentieth-century imperialism, which was a ghastly achievement of their conquerors and which many white Southern politicians (on racist grounds) opposed. But that, of course, was after the slaveholders' military defeat. Prior to that defeat, a good many of them eagerly imagined a massive slaveholding empire stretching from the trans-Mississippi West through Mexico and Central America and into the Caribbean. And they made, in the Confederate Constitution, ample provision for the addition of new slaveholding states and territories.

It is surely true, as Fox-Genovese and Genovese remind us in their conclusion, that "it would fall to the side that won the War to write the history of the old regime and its struggle unto death." That history has clearly preferred the Northeast, represented the South and the West as subordinate "regions," and created elaborate fictions to obscure the Northeast's own complicity in slavery and racial oppression—fictions that the fine exhibition on slavery in New York currently at the New York Historical Society is finally helping to explode, much to the shock of many local viewers. But for all this, the reader of *The Mind of the Master Class* and *Dwelling Place* cannot but come away with the conviction that the real tragedy in American history was not the eruption of the Civil War, however awful it was. The real tragedy would have been the one the war avoided: a political deal to settle the slavery question short of war, struck with the likes of the Reverend Charles Colcock Jones and the master class of the American South. ■

CORRESPONDENCE

continued from page 4

Russia developed Jewish quotas at its universities from the 1880s on. What really deserves notice is that U.S. methods failed and Jews rose to become part of the economic and cultural elite against which other groups, particularly blacks, are now banging their heads. Glazer is naïve about one thing, however: He seems at a loss to find the source of athletic ability as a means of exclusion. It comes from the British public school system, where muscular Christianity was the means of affirming social acceptability.

NORMAN RAVITCH
Savannah, Georgia

HAIL MARY

Alan Wolfe says that the Gospel of John does not mention the Blessed Virgin Mary at all ("The Reason for Everything," January 16). But the "Mater" in the "Stabat Mater," which is drawn from the nineteenth chapter of John's Gospel, is a reference to Jesus' mother, Mary. The image of Mary and the disciple John at the foot of the cross, an account provided only in John's Gospel, is one of the most common in Christian art and preaching. If Wolfe were familiar with, say, medieval English architecture, he would recognize Mary standing to the left of Jesus in the roods of most English Christian churches. Or, for that matter, if he were acquainted with the English Reformation, he might have known that such roods were subject to important legislation during three separate reigns.

Also, Wolfe suggests that the Spanish Inquisition tried Galileo. I am no scholar of Galileo's career, but I do not believe he ever traveled to Spain. His theories were tried by the Papal Inquisition, which had no juridical relationship with the Spanish Inquisition.

MICHAEL SEAN WINTERS
Riverdale, Maryland

ALAN WOLFE RESPONDS:
As a great fan of Michael Sean Winters, I am happy to be corrected by him. ■

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WASHINGTON DIARIST

The Porn Identity

IN THE MIDDLE OF MY SOPHOMORE year of college, my mother called and said she wanted to visit me—just to have lunch. My university was a six-hour drive from my parents' house, so I knew something was wrong. We ate at a fancy Italian restaurant; over risotto, we chatted awkwardly about classes. I dreaded the moment when our plates would be taken away. And, sure enough, after the table was cleared, my mother began to explain to me that certain lifestyles were dangerous. "What are you trying to say?" I asked. There was a silence, and then she said, "I know about the porn."

THAT CONVERSATION CAME RUSHING back to me last week with the news that the Justice Department had subpoenaed records from Google in an attempt to demonstrate that innocent Internet searches can lead unwitting Web surfers to pornographic sites. Citing trade secrets and its users' privacy, Google rebuffed the subpoena, to acclaim from civil libertarians. But Google's history of fighting for privacy rights goes back much further than the Justice Department's case. It goes at least as far back as 2002, when innocently Googling *my name* began leading unwitting Web surfers to pornographic sites. And that episode showed something civil libertarians might not like: Young people don't necessarily feel violated by exposure on the Internet—even if our parents do.

FRUSTRATED BY MY PERSISTENT FAILURE to call home after I moved to college, my parents pioneered increasingly tech-savvy ways to find out what I was up to. This is how they became the first to discover that, when you Googled me, two or three x-rated links inexplicably appeared at the end of a few pages of legitimate results. The excerpts below these links nestled my name between outrageously obscene phrases involving animals. When I followed the links, they delivered me to sites that contained no images at all—just rambling, bawdy paragraphs done in a stream-of-consciousness, misspelled, arbitrarily capitalized style, like a dirty parody of *Finnegans Wake*. It was perverse, troubling, and deeply weird. But, for some reason, I didn't feel concerned. I successfully convinced my mother I was not involved in any actual indecency, in part by looking up my name in an online telephone directory and discovering another Eve Fairbanks. That woman, I figured, had a naughty hobby.

THE PRIVACY CONCERNS RAISED BY the Justice Department's case against Google are based on the perception that the Internet possesses a frighteningly accurate picture of who we are. Search engines, one digital rights lawyer argued last week, reach into "the most intimate details of your life: what you search for, what you read, what worries you, what you enjoy." A *Washington Post* tech columnist noted that a Google feature remembered every Web search she had run on a given day, even the ones for things like "redhead" and "panties." These searches, taken together, provided a broad portrait of her most capricious desires and secret curiosities, one she wouldn't want government officials—or anyone else—to see. It stands to reason, then, that it should be even more upsetting to discover that the secrets Google reveals about you aren't even your own.

BUT I'D FORGOTTEN ABOUT THE SPURIOUS porn at the end of my Google profile until, a few months later, I received another phone call from home: The "Eve Fairbanks" porn sites were proliferating! And it was true. When I Googled myself, instead of the meager ten or 20 hits I generated in the past, my name now begot nasty links by the thousands. The "Google" logo at the foot of the page that dramatizes how many results your search has produced had stretched like taffy: The mere mention of my name now made the search engine croon sweetly, "Goooooooooogle."

MY PARENTS WERE EXTREMELY WORRIED. We consulted family friends, who feared that my racy Google persona would alienate employers and potential suitors. We talked about hiring a lawyer. Desperate to convince my parents I was not actually involved in Internet porn, I suggested that we should be happy for the woman who shared my name, because, evidently, her career was taking off! "It's not her," my mother said. "How do you know?" I asked. "Because I called her," she said. "She's an eighty-year-old woman."

I UNDERSTOOD MY PARENTS' NERVOUSness. And yet, instead of anger or fear, my expanded Google profile gave me a twinge of satisfaction. The Google me had become fun, provocative, and enigmatic. I felt like Mae West. On the electronic frontier, my reputation preceded me. And, like many a cowboy famed for villainies he never committed, I was kind of proud of it. My friends were jealous, and not one advised me to try to get the sites removed.

MY GENERATION IS THE FIRST TO HAVE grown up with the Internet, and we see the online universe a little like Gyges saw the world when he was wearing his magic ring: as a place where anything goes, where there is neither consequence nor shame, and where concerns about protecting your reputation are less, not more, important. Teens blog details, true or made up, about their personal lives that their elders would have blushed to put in their diaries. Parents and teachers—some of whom, the *Post* reported last week, are shutting down their students' blogs—chalk this up to naïveté, suggesting that, when these children grow up, they will be as concerned about privacy as past generations were. But maybe not: We are so used to the Internet's conventions that we trust our instincts to separate online truth from fiction. And we know that every kind of claim is out there, so, when it comes to ones associated with ourselves, we just care less—and will, perhaps, demand less protection from companies like Google.

A YEAR OR SO AFTER THE ITALIAN dinner, I received an e-mail from home. "I've been talking to Google," my mother wrote, "and they got your name off all those sites." Sure enough, thanks to persistent attention from Google's user support, the links—byproducts of tricks to drive more traffic to porn sites—were gone. They've been replaced by pages of school accolades and a collector's site featuring the Beanie Babies "Eve" and "Fairbanks." I've been downgraded to a fetishist of *stuffed* animals: Perhaps I ought to worry about my reputation after all.

EVE FAIRBANKS

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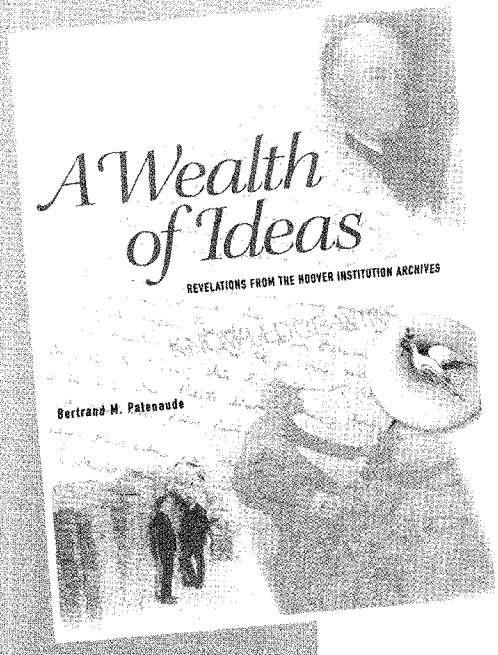

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Bertrand M. Patenaude is a research fellow at the Hoover Institution, Stanford University. He is the author of The Big Show in Bololand *(Stanford University Press, 2002).*

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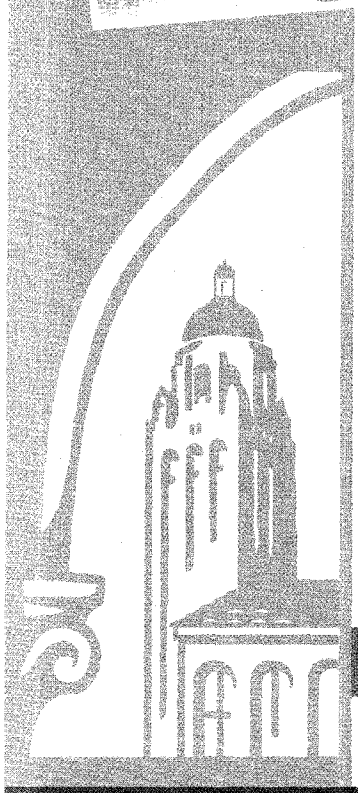

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